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Henry M. Gill,
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The Cabildo, New Orleans, La.

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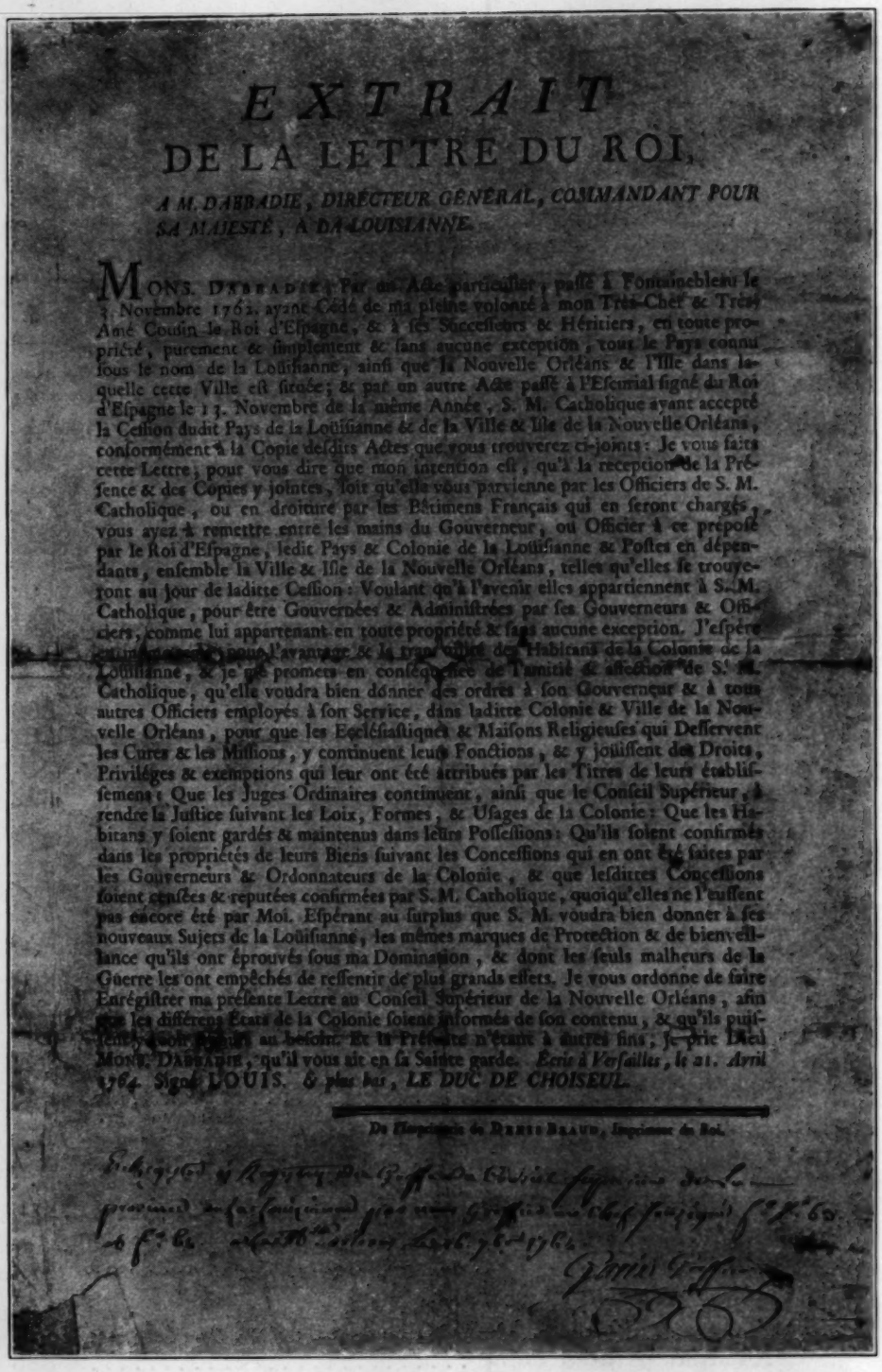

EXTRAIT
DE LA LETTRE DU ROI,

A M. D'ABBADIE, DIRECTEUR GÉNÉRAL, COMMANDANT POUR SA MAJESTÉ, A LA LOUISIANNE.

MONS. D'ABBADIE, Par un Acte particulier, passé à Fontainebleau le 3 Novembre 1762, ayant Cédé de ma pleine volonté à mon Très-Cher & Très-Amé Cousin le Roi d'Espagne, & à ſes Successeurs & Héritiers, en toute propriété, purement & ſimplement & ſans aucune exception, tout le Pays connu ſous le nom de la Louiſianne, ainſi que la Nouvelle Orléans & l'Iſle dans laquelle cette Ville eſt ſituée; & par un autre Acte passé à l'Eſcurial ſigné du Roi d'Eſpagne le 13. Novembre de la même Année, S. M. Catholique ayant accepté la Ceſſion dudit Pays de la Louiſianne & de la Ville & Iſle de la Nouvelle Orléans, conformément à la Copie deſdits Actes que vous trouverez ci-joints: Je vous faits cette Lettre, pour vous dire que mon intention eſt, qu'à la reception de la Préſente & des Copies y jointes, ſoit qu'elle vous parvienne par les Officiers de S. M. Catholique, ou en droiture par les Bâtimens Français qui en ſeront chargés, vous ayez à remettre entre les mains du Gouverneur, ou Officier à ce prepoſé par le Roi d'Eſpagne, ledit Pays & Colonie de la Louiſianne & Poſtes en dépendants, enſemble la Ville & Iſle de la Nouvelle Orléans, telles qu'elles ſe trouveront au jour de laditte Ceſſion: Voulant qu'à l'avenir elles appartiennent à S. M. Catholique, pour être Gouvernées & Adminiſtrées par ſes Gouverneurs & Officiers, comme lui appartenant en toute propriété & ſans aucune exception. J'eſpére cependant, pour l'avantage & la tranquillité des Habitans de la Colonie de la Louiſianne, & je me promets en conſéquence de l'amitié & affection de S. M. Catholique, qu'elle voudra bien donner des ordres à ſon Gouverneur & à tous autres Officiers employés à ſon Service, dans laditte Colonie & Ville de la Nouvelle Orléans, pour que les Eccléſiaſtiques & Maiſons Religieuſes qui deſſervent les Cures & les Miſſions, y continuent leurs Fonctions, & y joüiſſent des Droits, Priviléges & exemptions qui leur ont été attribués par les Titres de leurs établiſſemens: Que les Juges Ordinaires continuent, ainſi que le Conſeil Supérieur, à rendre la Juſtice ſuivant les Loix, Formes, & Uſages de la Colonie: Que les Habitans y ſoient gardés & maintenus dans leurs Poſſeſſions: Qu'ils ſoient confirmés dans les propriétés de leurs Biens ſuivant les Conceſſions qui en ont été faites par les Gouverneurs & Ordonnateurs de la Colonie, & que leſdittes Conceſſions ſoient cenſées & reputées confirmées par S. M. Catholique, quoiqu'elles ne l'euſſent pas encore été par Moi. Eſpérant au ſurplus que S. M. voudra bien donner à ſes nouveaux Sujets de la Louiſianne, les mêmes marques de Protection & de bienveillance qu'ils ont éprouvés ſous ma Domination, & dont les ſeuls malheurs de la Guerre les ont empêchés de reſſentir de plus grands effets. Je vous ordonne de faire Enrégiſtrer ma preſente Lettre au Conſeil Supérieur de la Nouvelle Orléans, afin que les différens Etats de la Colonie ſoient informés de ſon contenu, & qu'ils puiſſent, à ſon beſoin. Et la Préſente n'étant à autres fins, je prie Dieu, MONS. D'ABBADIE, qu'il vous ait en ſa Sainte garde. *Ecrit à Verſailles, le 21. Avril 1764.* Signé LOUIS. *& plus bas*, LE DUC DE CHOISEUL.

De l'Imprimerie de DENIS BRAUD, Imprimeur du Roi.

Photostat of the original printed by Denis Braud in New Orleans, 1764.

THE LOUISIANA
HISTORICAL QUARTERLY

Vol. 14, No. 3 July, 1931

CAVELIER DE LA SALLE TAKES POSSESSION OF LOUISIANA

(March 13 and April 9, 1682)

By

Baron Marc de Villiers du Terrage

Translated with the author's permission from Revue Historique des Antilles, No. 1, October, 1928.

By

ANDRÉ LAFARGUE*
New Orleans

AS SOON as Cavelier de La Salle had completed his preparations for his journey, he left Crevecoeur[1] on January 7th, 1682, came down the Illinois River and reached the waters of the Mississippi on February 13th. He was accompanied by fifty three persons: twenty-two Frenchmen, eighteen Abenaquis or Mahingas, ten Nipissian,[2] Huron, Abenaqui or Otchipois[3] women,, whom the Indians had taken along with them "to prepare their food in full accordance with their custom, while they were hunting or fishing," and three children.

After it had travelled downstream some two hundred leagues (over six hundred nautical miles) the expedition reached, one

*Read by André Lafargue before the Louisiana Historical Society at its monthly meeting on November 25, 1929.

[1]Fort Crevecoeur was erected a short distance south of the present city of Peoria, Illinois.

[2]The Mahikans and the Nipissings were Indian tribes that belonged to the Algonquin race, the former lived south of Lake Champlain, the latter in the vicinity of Lake Nipissing, situated northeast of Lake Huron.

[3]The Otchipois were members of the race of Chippewas. They lived very much to the westward and some of their tribes had settled on the upper Mississippi.

month after the date of its departure, the northernmost village in which the Arkansas live and without any hesitancy La Salle gave it the name of Kappa or Kapeha in memory of the city with its five hundred substantial houses besieged in 1542 by the Conquistador, Hernando de Soto and so fantastically described by Garcilasso de la Vega,[4] the Spanish Discoverer's favorite author. This village situated nine leagues (27 miles) from the mouth of the Arkansas was situated very likely within half a league of the 44th degree of latitude due south, as recorded by De La Salle.[5] The island where according to La Vega the chieftain of the Cahepas repulsed the combined assaults of the Spanish and the Casquins might be the large island situated in the bend of the Mississippi known as Concordia Bend.

On March 13th La Salle had a wooden post driven into the ground in the center of the village of the Arkansas "on which was painted a cross with the scutcheon of France bearing the inscription: Louys the Great, King oof France and Navarre reigns, March 13th, 1682."[6] Father Zenobe Membre sang "O Crux Ave" and "Exaudit te Dominus," the French members of the expedition "marched around the square three times" shouting lustily "Long Live the King" and La Salle solemnly took possession of the country of Louysiane and of all its lands from the mouth of the St. Louis River, known also as the Ohio, Olighinsipou and Chukagoua and along its banks and of each and every one of the rivers which flow into it from the east to the very mouth of the Palm River or River of Palms on the western side and throughout the entire extent of the Colbert River, also called Mississippi River."

La Metairie adds: "We saw the Arkansas Indians, after this ceremony and during the entire night as well as during the day on the fourteenth, pass their hands upon the post that we had erected and then rub themselves from head to foot to show the joy and the confidence which they felt because of the white men having erected this post in their village." This observation is confirmed by Father Zenobe.

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[4]Garcilasso de la Vega is the author of the work entitled "Historia del adelantado Hernando de Soto." The first edition of this work was published in Lisbon in 1605.

[5]Joliet had already indicated where the mouth of the Arkansas was located (33 degrees, 48 minutes), just a little below the 34th degree. La Salle's indications are very close to those given by Joliet on the subject.

[6]Father Zenobe in referring to the ceremony of annexation or acquisition of Louisiana states: "With due solemnity we planted in the ground the emblem of our redemption, the Holy Cross, nailed to a post. Mr. de La Salle appended above the royal coat of arms."

Never had the Arkansas beheld a finer totem pole.

On March 15th La Salle reached the Arkansas Village of Imma or Imaha "the largest of that tribe," where peace was finally consumated and where the chief recognized that his village belonged to His Majesty the King of France. Tonty and Joutel call this settlement, situated at the junction of the Arkansas, Thoriman.[7]

The expedition then resumed its journey and according to Father Zenobe nailed to a tree "the coat of arms of the King under a cross" in the village of the Natchez and on the 5th of April spent the night in a little clump of willow trees situated about a league above the spot known as The Jump, where one of the outlets of the Mississippi known as Grand Pass and which should not be confused with Main Pass, begins.

"Some of the Frenchmen in the expedition," says Nicolas de La Salle, "climbed the trees and said that they saw in the distance a bay, evidently Bird Island Sound." The next day, says the same author, "after we had journeyed about three leagues (nine nautical miles) further downstream we found that the river branched out into three forks. We picked out the Middle Canal and after we had travelled a league (3 miles) we discovered that the water was rising on a tide of nearly two feet; we tied up alongside the trunk of a big tree which had been carried by the water and which had become stranded on that spot; we could not stop there for the night as the surroundings were covered with water. We reascended the pass and we came down the canal to the right. We camped for the night just opposite an island to our left." "We camped," says La Metairie in confirmation of the previous statement, "on the banks of west pass some three leagues from the mouth of the river."

On April 7th the expedition was divided: La Salle went to reconnoiter the most westerly channel and to explore the coast adjoining the sea. Tonty explored the middle outlet and d'Autray the channel to the left ("le bras de gauche"). "The first two outlets," observes La Salle, "were large, very deep and of fine appearance."

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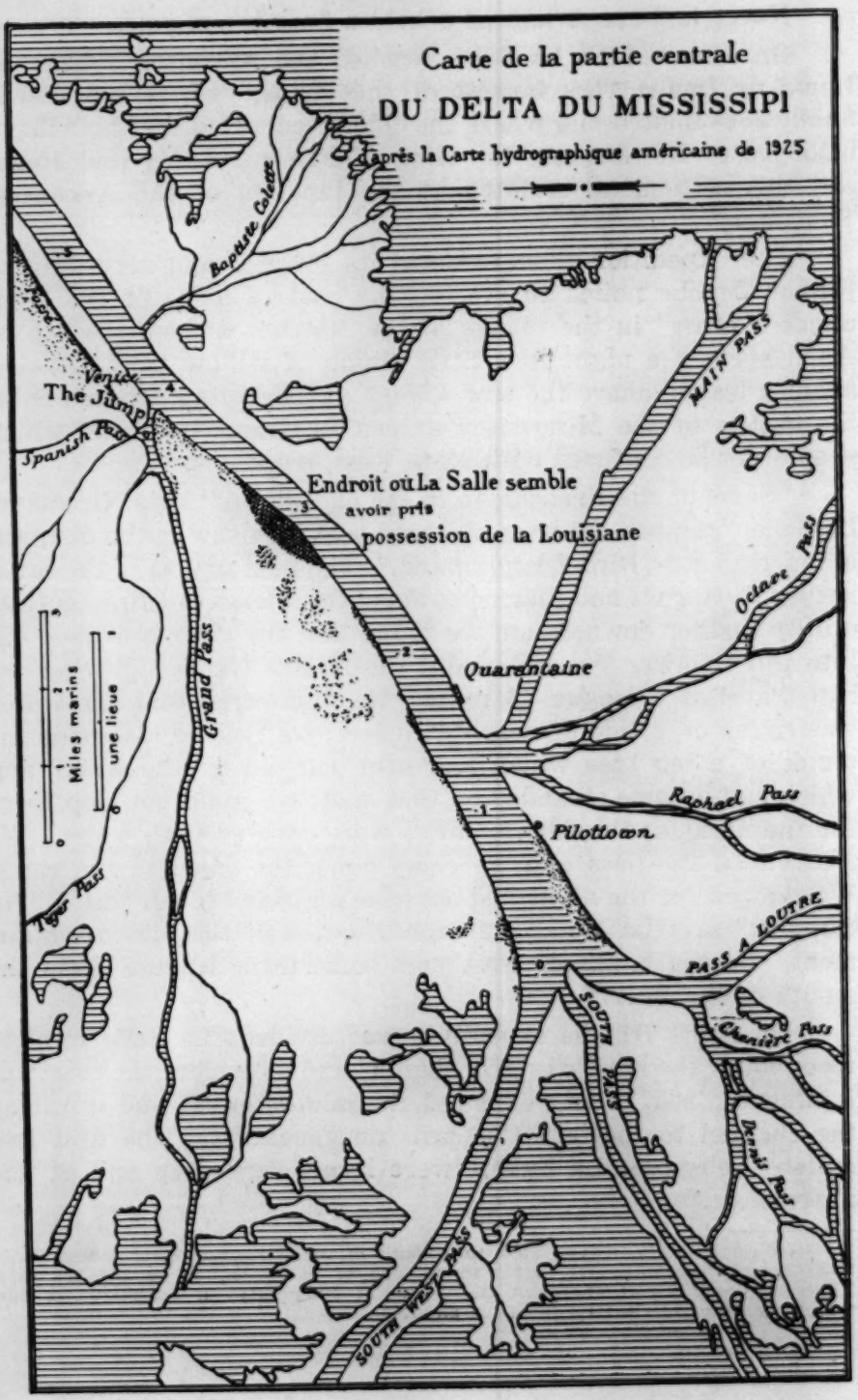
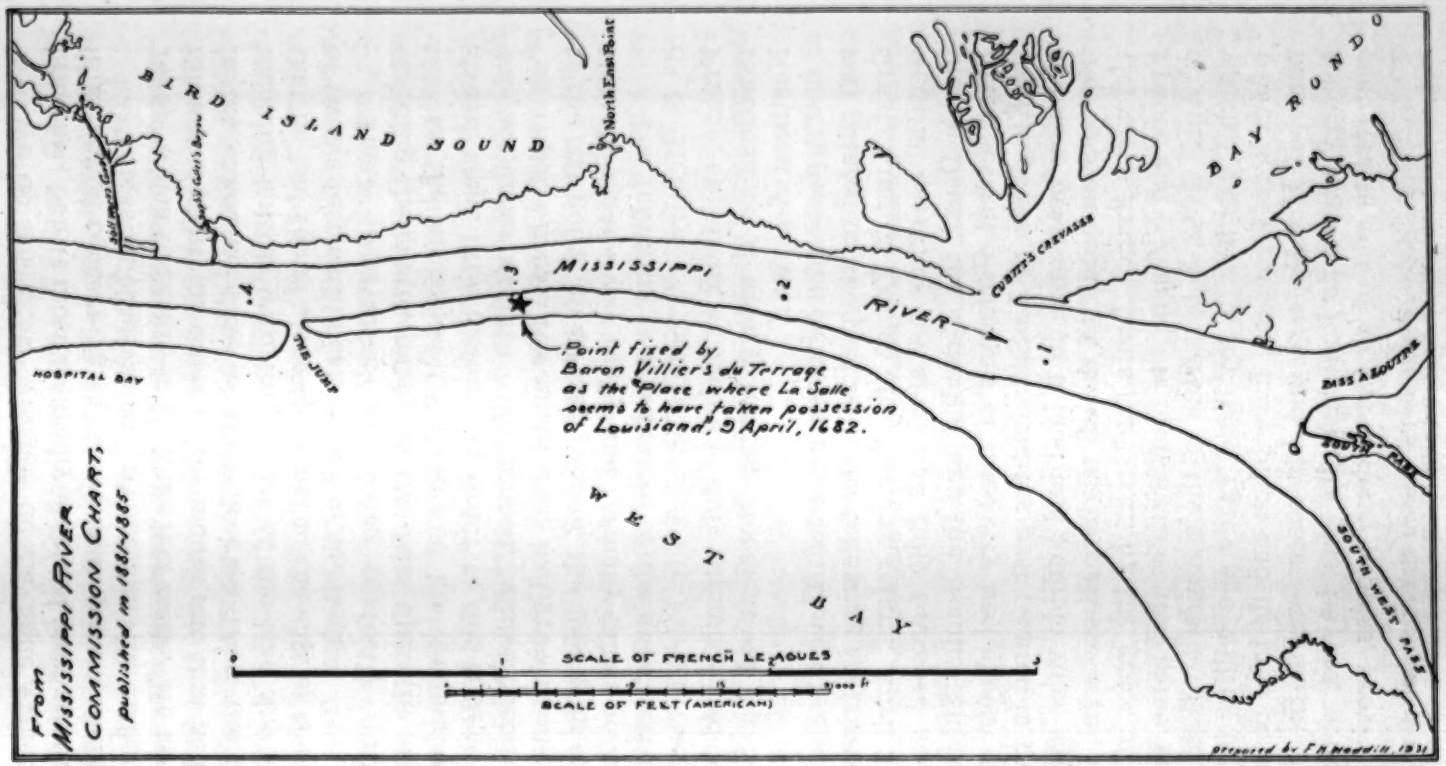
[7]Referring to the village near the mouth of the Arkansas River which de La Salle reached on March 15, 1682, Joutel, one of de La Salle's companions says: "Two leagues north of Thoriman, the village of Tonguingan or Tonguigua, a name which signifies "The little village" is situated.


Carte de la partie centrale
DU DELTA DU MISSISSIPI
Après la Carte hydrographique américaine de 1925
Baptiste Colette
Venice
The Jump
Sparish Pass
Endroit où La Salle semble
avoir pris
possession de la Louisiane
MAIN PASS
Octave Pass
Quarantaine
Grand Pass
Miles marins
une lieue
Raphael Pass
Pilottown
Tiger Pass
PASS A LOUTRE
SOUTH PASS
Chenière Pass
Denis Pass
SOUTH WEST PASS



Mr. Frank H. Waddill, the distinguished Louisiana Consulting Civil Engineer, is deeply interested in Louisiana history and he has come to our aid to prepare this 1881 chart. The purpose of this drawing can be best understood by quoting from his letter on the subject to the Editor of the Quarterly:

"The chart in French is a photographic copy of chart used by Villiers du Terrage, taken by him from U. S. Coast Chart of 1925. The other chart, supplied by me, is also U. S. Chart but of much earlier date (before 1881). The chart of 1881 shows little land and much water on both sides of the river. Chart of 1925 shows much land and little water on both sides of the river.

"Between the dates of making of the two charts vast changes in topography took place, due to two crevasses and a bayou; the Jump on the west bank, Cubits Gap and Baptiste Collet's Bayou on the east bank. Four or five hundred miles of land (such as it is) has been formed, and for that reason Villiers du Terrage's chart fails altogether to give any idea of what LaSalle's men saw when they climbed the tree.

"The chart supplied by me no doubt would have been used by du Terrage had he been able to obtain it, instead of the very modern one used by him. Compare the two charts and also compare the Latourette state map of 1845 and Hardee's of 1895."

We do not know whether de La Salle explored the other branches, but he most assuredly obtained very minute and precise information concerning the three main passes of the Mississippi.

"This is an observation," writes Iberville under date of June, 1698, "which the sieur de La Salle had made. He assured me that there was plenty of water at the mouth and that he had remained in his canoe as close as three leagues from the coast without touching bottom with thirty feet of the lead line spent out and that he had found along the coast to the east of the river a depth of twelve feet within canon shot of the land."

These observations are today perfectly verified notwithstanding the encroachment of the delta upon the sea.

In the afternoon La Salle and his companions went "upstream some little distance in order to find a dry spot, one that was not under water." "We camped," states Nicolas de La Salle, "on a spot where a few small trees had grown some four leagues to the left going up stream" and on the following day, April 9th, 1682, Louisiana was really and formally taken possession of.

The following is a narrative of the event left us by Jacques de la Metairie, "a notary in and for Fort Frontenac[8] in New France, appointed as such and duly commissioned to exercise the functions of a notary during Monsieur de La Salle's trip to Northern America:"

"A post and a cross were erected. The coat of arms of France was painted on the post with the following inscription: Louis the Great, King of France and Navarre reigns, April 9th, 1682. We were all carrying our arms and fully equipped and we chanted the Te Deum, the Exaudiat and the Domine Salvun fac regem. After several discharges of musketry and shouts of "Long Live the King" Mr. de La Salle had the post planted in the ground and standing near same in a loud and audible voice said in French: 'For and on behalf of the all mighty, all powerful, invincible and victorious Prince, Louis the Great, by the grace of God, King of France and Navarre, the fourteenth of that name, on this 9th day of April, 1682, I, by virtue of the commission from His Majesty, which I now hold in my hand, ready and willing to show it to all whom it may concern, have taken and do take possession, in the name of His Majesty and his successors to the crown, of the country known as Louisiana, its seas, havens, ports, bays, adjacent straits and of all the nations, peoples, provinces, cities, vil-

[8]Fort Frontenac was built on the present site of Kingston, Province of Ontario, Canada, on the banks of Lake Ontario.

lages, settlements, mines and mineral deposits, fisheries, rivers and streams comprised within the territory and extent of the said Louisiana from the mouth of the great St. Louis River[9] on the eastern side, known also as the Ohio, Olinghinsipou or Chucagoua, and this with the consent of the Chaouesnons, Chickasas[10] and other peoples living thereon with whom we have entered into a treaty, as also all territory bordering on the Colbert or Mississippi River and all rivers which flow into it, from its very source, beyond the country of the Sioux or Nadouessioux, and this with their full consent and that of Otontatas, Isllinois, Matsigameas, Arkansas, Natchez and Koroas, who are the most important nations or tribes living in that section of the country, with whom we have signed treaties[11] personally or through our representatives, to the very mouth of the river in the sea or in the Gulf of Mexico and from the twenty-seventh degree of the north pole elevation to the mouth of the River of Palms,[12] upon the assurance given us by all these people that we are the first Europeans who have ascended or descended the full length of the Colbert River.[13] And we hereby formally protest against all those who in the future would attempt or undertake to take possession of all or any of the said countries, peoples and lands aforedescribed to the prejudice of the right which His Majesty has acquired through the consent of the aforesaid nations.

" 'To all of which and to whomsoever it may concern and in all matters in which it may become expedient I call upon those

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[9]For a while de La Salle claimed that the Mississippi, first known as the Colbert River, was a mere tributary of the St. Louis River, the Ohio River of today, or a tributary of the mysterious Chukagua River, which Garcilasso de la Vega refers to. This last river was really the Mississippi, but the fantastic description of that body of water by the Inca and the width of several leagues which he gives it, proved very misleading to La Salle.

[10]The Chickasas were always the enemies of the French. La Salle had heard of them only through La Vega and from two trappers whom he met while descending the Mississippi.

[11]Referring to La Salle's claim that he was the first European to descend the Mississippi to its very mouth, de Villiers states: "In 1680 Father Hennepin took possession of the country occupied by the Isatis, situated north of Sault Saint Antoine. Tonty twice visited villages situated some distance from the Mississippi."

[12]Referring to the oral proclamation of de La Salle in taking possession of Louisiana on April 9, 1682, de Villiers states: "Other copies of the text of this address, as shown in the Act of April 13th mention "the mouth of the River of Palms." The omission of the words "mouth of the River of" may have been a voluntary one, as we propose to show in a work entitled "Louisiana, its name and its successive frontiers" which will appear in the 1929 "Journal de la Societe des Ameriocanistes de Paris" ("The Journal of the Society of Americanists in Paris.")

[13]Again referring to La Salle's claim that he was the first European who ascended or descended the Mississippi, de Villiers states: "In reality the entire stretch of the Mississippi had been explored by Europeans prior to de La Salle. The Upper Mississippi in 1680 by Father Hennepin; the section between the mouths of the Wisconsin and Arkansas Rivers, by Father Marquette and Joliet in 1672 and the lower stretch by Louis de Moscoso and the survivors of De Soto's expedition in 1542."

who listen to me to bear witness and I ask the present notary to draw up an act of these proceedings to serve as occasion may require.'

"To which everybody replied with shouts of 'Long Live the King' and with salvos of musketry."

"In addition," says La Metairie, "the sieur de La Salle caused to be imbedded in the ground, at the very root of the tree to which a cross had been affixed, a tablet of lead on which the scutcheon of France was graven, on one side, with the latin inscription 'Ludovicus Magnus regnat, Nono Aprilis 1682' and which bore on the other side the following words, 'Robertus Cavelier, cum domine de Tonty legato, R. P. Zenobio Membre, Recollecto, et vigenti Gallis, primus hoc flumen inde ab Illi neorum pago enavigavit, ejusque ostium fecit pervium, nono aprilis anni 1682.' Following which the Sieur de La Salle having stated that His Majesty as the eldest son of the Church would never think of annexing to his crown any territory within which the Christian religion had not first been established, that it was necessary to show His Majesty's intention in that respect and this was done at once through the erection of a cross before which the Vexilla and the Domine salvum fac Regem were sung and the ceremony brought to a close with the shouts of 'Long Live the King.' "

La Metairie, evidently a very scrupulous notary, in making this narrative had been careful to use the conditional and did not seem very convinced—and the present author is less so even—that the learned Latin inscription aforementioned was inscribed on the leaden tablet and the proces verbal was very likely drawn up in the Illinois country. La Salle, however states in his "Relation of the Discovery of the Mouth of the Mississippi River" that "he caused to be imbedded in the soil a tablet of lead upon which the coat of arms of France and the names of those who had just made the discovery were engraved."

Nicolas de La Salle states more simply "that a tree was stripped of its branches and made into a post, which was driven into the ground and to which the coat of arms of the King fashioned from an old copper kettle was appended. A cross was also erected and beneath this cross a leaden tablet was buried on which had been engraved the words: "In the name of Louis XIV, King of France and Navarre, April 9th, 1682." As the cross was being erected the Vexilla regis was sung, followed by the Te Deum and by the three discharges of musketry."

"M. de La Salle" says Henry de Tonty" in his "Relation written in Quebec on November 14th, 1684" took possession of the country in the name of His Most Christian Majesty and caused a cross to be erected and the scutcheon of France to be appended thereunder and a Te Deum was sung. Three salvos of musketry rang out and after having buried in the ground a leaden tablet with the coat of arms of His Majesty thereon inscribed, Mr. de La Salle took possession of the river in the name of the very mighty and very illustrious Prince, Louis the Great, King of France and Navarre."

In the "Last Discoveries of Mr. de La Salle in Northern America" it is stated simply that "Having chosen a spot for our new encampment, we fastened a cross to the top of a very high tree and we nailed to this tree the coat of arms of France."

A post was therefore driven into the ground and a rustic cross was tied to the branches of a tree; to the first one a sort of scutcheon was nailed and at the foot of the tree a leaden tablet was buried.

The ceremonies incident to taking possession of Louisiana were doubtless of a very stirring and impressive character but nothing like the elaborate and superb ceremonies so frequently depicted in paintings and drawings. In certain paintings commemorative of the event a large cross is shown resting upon a pedestal and in most of these paintings the soldiers are shown clad in dress and parade uniform, wearing three cornered hats, adorned with golden lace, and military vestments of varied and bright hues. The Coureurs des Bois who accompanied de La Salle wore clothes that hardly corresponded with the one shown in these paintings. La Salle alone wore on that occasion, as he did on Sundays, his famous "scarlet cloak embroidered with golden lace."

Since two hundred and fifty years the delta of the Mississippi has considerably encroached upon the Gulf of Mexico[14] and the banks of the river itself have undergone many changes and transformations, and this to such an extent that it would seem rather difficult to determine presently the exact and precise spot where the ceremony of April 9th was enacted; however this spot

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[14]Referring to the encroachments of the delta upon the Gulf of Mexico de Villiers says: "This site, the Belize or Balise, a post founded in 1722 some 1200 meters from the gulf is today seven kilometer distant from that body of water. Recent observations have established that certain parts of the delta would encroach upon the gulf actually at the rate of 75 meters a year.

can be established within a mile and a half provided the head of the passes has not shifted.

The expedition camped on the 8th and 9th of April on the right bank of the Mississippi, some four leagues, (twelve nautical miles)—according to Nicholas de La Salle—from the spot where it had spent the previous night in the western pass of the river[15] and it can be stated with every degree of certainty on the very spot where the Frenchmen had first spent the night from the 6th to the 7th of the same month, at a distance of about three leagues (nine nautical miles) from where the Mississippi branches out into three forks.

La Salle consequently on the 9th of April had camped some three leagues, nine nautical miles above the head of the Mississippi River passes. This distance when measured in current league measurements would represent, 13,330 meters; but we must bear in mind that round figures do not always give us a precise measurement and may designate the spot within one or two kilometers of its exact location. If one examines a modern map he would be tempted to locate the spot where La Salle took possession of Louisiana on the 9th of April, 1682, and where he erected his post as being on the right bank of the Mississippi one league (three nautical miles) above the Quarantine Station, and it seems to us that on this site, by 29 degrees 14 or 15 minutes of latitude, a boulder or marker should be erected to commemorate the events which took place on the day de La Salle and his companions took formal possession of Louisiana.

La Salle claimed the entire Mississippi basin without knowing its extent and character; but in view of the fact that he had fixed the eastern boundaries of Louisiana as running from the mouth of the St. Louis River, they did not extend on the Florida side beyond the Riviere aux Perles (Pearl River) which actually serves as one of the eastern boundaries of the present State of Louisiana, or if it did extend further east it stopped at the Pascagoula River. Mobile, occupied by the Spaniards for a short time in 1559, was not included in the Louisiana of de La Salle, and Louis XIV hesitated fully a year before he authorized Iberville to establish a definite post in Mobile Bay.

On the other hand La Salle, who had fixed the mouth of his river (the Mississippi) very much to the westward, at a time

[15]According to Tonty the post he planted in 1686 somewhere above the spot where the ceremony of April 9, 1682, took place was seven leagues distant from the sea.

that he thought that he had taken possession of only sixty leagues of western coast line, had really annexed with a stroke of his sword and of his pen two hundred and fifty leagues of the western coast.

The Rio des Palmes (Palm River), notwithstanding Mr. Bond's assertions[16] does not flow through Florida but under the modern name of Rio Fernando waters the northern section of the Mexican State of Coahuila.

After the French had left, the Indians very likely disinterred the lead or copper tablet, a storm must have swept away the cross and when four years later Henry de Tonty left in search of de La Salle and passed the very spot in his descent of the river, there very likely were no traces left of the ceremony that marked April 9th, 1682.

"Having found" says Tonty, in a letter dated April 20th, 1686, which he entrusted to the chief of the Quinipissas for delivery to de La Salle[17] "that the post with the King's scutcheon had been knocked down by the inhabitants of the swamp I caused another to be erected some seven leagues (21 nautical miles) from the sea and I left a letter in the cavity of the trunk of a tree nearby and nailed a written notice above." The letter was addressed to "Mr. de La Salle, Governor General of Louisiana."

"I am sorry" wrote d'Iberville "that I remained in the boat, as I would have found the tree and the hole in the rear portion of the trunk in which the letter had been concealed; within eight leagues (24 miles) of this spot there are so few trees that it would have been easy for me to examine each and every one of them, as they are all standing on the left going upstream."

The author of "The Last Discoveries in Northern America" published in 1697, under the name of Tonty,[18] found very likely that this description of the annexation ceremony was entirely too tame and completed it as follows:

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[16]The error made by Mr. Bond is commented upon in the following manner, by de Villiers: "Historical Sketch of Louisiana and the Louisiana Purchase" (Washington, Government Printing Office, 1912). This rather astounding official publication includes Florida or the greater part thereof in de La Salle's Louisiana. I again refer you to the work previously mentioned dealing with "The Frontiers of Louisiana."

[17]Referring to the letter left by Tonty in the cavity of a tree, addressed to de La Salle, de Villiers says: "This letter was found 13 years later in the hands of the Bayagoulas by Le Moyne de Sauvo'e."

[18]Referring to the work entitled "The Last Discoveries of Northern America" attributed to Tonty, de Villiers says: "This work, although Tonty has disavowed it, contains unquestionably data furnished by him, which very likely have been embellished by an anonymous author. Quite a number of the errors contained in the work are due to statements made by the Abbe Cavalier and Father Athanase, although these statements are usually very correct."

"Having noticed that the tree on which Mr. de La Salle had appended the cross and the King's coat of arms was about to be swept away by the swollen waters and by violent winds, we ascended the river and some distance further up re-erected a tall wooden post and nailed thereto a cross and affixed thereunder the scutcheon of France."

In his letter to Seignelay on August 24th, 1686, Tonty writes: "Having discovered that the coat of arms of the King had been swept away by high tides I had a new scutcheon made and painted and caused to be inscribed thereon: "Louis the Great reigns." The proces verbal of this event as drawn up and signed by Tonty on April 13th, 1686, bears the inscription: "Thus done and signed on St. Henry Island, in the Florida Sea on the coast to the westward of the mouth of the Colbert River."

The post very likely never existed and no scutcheon was ever painted, as Joutel who did not like Tonty, declares in his "Memorandum of Observations concerning the Last Discoveries": "He (meaning Tonty) told us that he had made a few crosses with a knife on the bark of some of the trees and that he had deposited a metal scutcheon in the cavity of a tree and this must be the scutcheon that he refers to."

Le Moyne d'Iberville did not deem it necessary to take possession a second time of Louisiana and was satisfied to have a Te Deum chanted by Father Athanasius[19] on mardi gras (March 3rd, 1699), "in acknowledgment of the discovery of the Mississippi" and to erect a cross the following day, some ten leagues from the mouth of the river, probably in the neighborhood of where Fort Jackson stands today.

A LIST OF THE MEMBERS OF THE EXPEDITION OF 1682

*Robert Cavelier de La Salle.[20]
*Nicolas de La Salle, a nephew of the explorer.
*Father Zenobe Membre, a Recollect priest.
*Henry de Tonty, "a brigade captain."
*Jacques Bourdon, sieur d'Autray.[21]

[19]Father Athanase had spent five years in Canada at Anticosti or on the Seven Isles and was one of the sixteen surviving members of the last expedition of de La Salle. The Mississippi did not appeal to him and he asked Iberville to allow him to return as soon as possible "to his convent or monastery where he decided to stay definitely."

[20]Referring to the names of the members of de La Salle's expedition in 1682, de Villiers states: "The names that are preceded by an asterisk are those of the members who signed the proces verbal or act of March 13th. Antoine Brassar and Pierre You did not sign the act drawn up on April 9th.

*Jacques de la Metairie, the notary for Fort Frontenac.
*Francois de Boisrondet.
*Jean Michel, Surgeon.
Andre Baboeuf. Louis Baron.
*Antoine Brassar or Brossart.
Gabriel Barbier, also known under the name of Minisme.
Pierre Buret. *Jacques Cauchoios or Cochois. Colin Crevel.
*Jean du Lignon.
Andre Haisnault or Henault. La Violette.
*Jean Masse or Mas.
*Gilles Menneret or Pierre Migneret.[22] Jean Pignabel.
Pierre Prudhomme or Preud'homme, an armorer.[23]
*Pierre You.

According to Tonty the savages were commanded by Captain Classe or Clause and were named: Amabanso, Hirguen, Ahos, Seneche, Nanaouairinthe, Youtin, Sanonmp, Cubaresmanth, Alimalman, Apexos, Chouakost, Akiesko, Maskinampo, Miouemo, Ononthio[24] and Pioua. The name of Chaquesque also appears in the records and completes the list of eighteen Indians. Two of the French and a few savages, it would seem, did not descend as far as the mouth of the Mississippi. On the other hand the Arkansas, the Tensas and the Koroas, furnished guides successively to the expedition and to its leader. Father Zenobe Membre, Gabriel Minisme also known as Barbier, Crevel (de Moranger) and Nicolas de La Salle accompanied La Salle during his last expedition. The first two perished in 1689, massacred by the savages at Fort St. Louis and Moranger was murdered with his uncle on March 19th, 1687. Nicolas de La Salle was more for-

[21]Jacques Bourdon, Sieur d'Autray, one of de La Salle's companions in 1682 was the son of a former Procurator General (Crown's attorney or public prosecutor) of Quebec.

[22]Referring to another one of de La Salle's companions in 1682 de Villiers says: "This Colin Crevel seems to be Crevel de Morange, a nephew of La Salle who was assassinated with him on March 19, 1687. He did not sign either of the two proces verbals of the 13th of March and 9th of April, 1682. He very likely was not in the Illinois country at the time they were drawn up and signed."

[23]Referring to Giles Menneret or Pierre Migneret, another one of de La Salle's companions in 1682, de Villiers says: "La Salle and Tonty both declared that the expedition consisted of 23 Frenchmen." We are inclined to believe that Giles Minneret and Pierre Migneret were one and the same person, although the names are not at all alike.

[24]Referring to Pierre Prudhomme or Preud'homme, still another of de La Salle's companions in 1682, de Villiers states: "Prudhomme lost himself for nine days on the left bank of the Mississippi, some fifteen leagues north of Memphis. His name was given to the small fort which La Salle built at that place.

[25]"Ononthio" was a surname given quite frequently by the Indians to the Governor of Canada.

tunate, he returned to France and later came back to Louisiana where he exercised the functions of Ordonnateur from 1702 to 1709. Michel, Baboeuf and Baron followed Tonty when he came down the Mississippi in 1686.

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ROBERT CAVELIER DE LA SALLE'S HOUSE AT LACHINE, PROVINCE OF QUEBEC, CANADA*

By André Lafargue

A TOWERING figure in the early history of Louisiana colonization is unquestionably that of Robert Cavelier de La Salle. His explorations of the upper St. Lawrence River, of the Great Lakes and of the Upper Mississippi would have earned him great renown and would have transmitted his name to posterity, but the crowning achievement of his career was surely the discovery of the mouth of the great "Father of Waters," the Mississippi River. Had it not been for this great and far reaching exploit the subsequent founding of Louisiana and the creation of the province of that name would have certainly been deferred or might never have taken place. While Iberville and Bienville, the dauntless and courageous, Le Moyne brothers, were the men who actually founded the first establishments in the lower Mississippi Valley, and were the men who were responsible for the birth of Biloxi, Mobile, New Orleans, Fort Rosalie and the string of settlements on the coast and along the banks of the Mississippi River and great credit is due them for their accomplishments under most trying and well high desperate conditions, it must not be forgotten that the project might have never been carried out had they not been inspired, had they not been prompted to do what they did by the reports made by de La Salle himself and by his traveling companions.

The story of the life of De La Salle is one that is replete with deeds of daring, with a display of fortitude in the face of adversity such as has seldom visited a man and with a spirit of perseverance and of indomitable faith in the justice of his cause, which enabled him to triumph time and against against the forces of nature and the wiles and trickery of man in league against him. To read the life of de La Salle is the most soul uplifting and inspiring task that one can engage in. A gentleman of culture and refinement, a man of considerable mental attainments for his time, a devout Christian, a true and loyal friend and an ardent patriot, he combined the many qualities of mind and heart, which made of him a man, in every sense of the word. Father Charlevoix and other his-

*A paper read before the Louisiana Historical Society. 1939

torians of a later generation have not always been kind to him. From his very earliest days de La Salle suffered from an ailment which caused him now and then to lose some of his equanimity of disposition. There were circumstances also which caused him to display what seemed to some an arbitrary disposition. He was likewise charged with being oversuspicious of those who surrounded him.

But it should be borne in mind that de La Salle was the leader of several expeditions, which were more or less properly equipped and that he had frequently been given ample ground to suspect those who did all that lay within their power to thwart his designs and to have his plans miscarry. His own brother, l'Abbe Cavelier and Nicholas Cavelier his nephew, were not imbued with the sentiments born of family ties and which the spendid spirit of their illustrious relative should have certainly strengthened. He was the object of envy, of contumely, of intrigue and of base calumny at the hands of his fellow men and had he not set his heart upon the discovery of the Mississippi's exit into the sea, the many obstacles that were placed in his way, at the time that the expedition was organized, the many desertions that took place shortly after he had set out on his adventurous journey, the loss of his supplies and the many vexations which his enemies took particular delight in visiting upon him, would have discouraged and deterred one of lesser moral and physical build.

Louisianians are heavily indebted to Robert Cavelier de La Salle. He stands out in our colonial history as the great pioneer, the discoverer, in every sense of the word, the one who absolutely blazed the virgin trail in the Mississippi Valley, the one man who first of all descended the great "Father of Waters" from the lake region to the Gulf of Mexico. His name should be enshrined in our hearts. We should have erected a monument to him, in this very city, made possible by his daring and courage, and those of us who visit Rouen, his native place should place a wreath on the marble tablet erected in the Cathedral, near the main entrance, on which the date of his birth and of his baptism[1] are recorded and we should also repair to the little quaint side street, near the Grande Horloge, where stands today the Norman house in which he was born.

For these many reasons I availed myself of the opportunity that came my way while I was in Canada recently, on an offi-

[1]The accompanying pictures of these inscriptions and of the certificate of baptism are taken from the originals in France.—A. L.

cial mission, to visit the house that was built by the great French explorer, on the island of Montreal, on the very banks of the St. Lawrence river, some few miles from the great metropolis of Canada. The place, or town, is called "Lachine" written today in one word. There is a story connected with this name, which some of the early historians have related and which is familiar to the average Canadian.

When Robert Cavelier de La Salle joined his brother, a Sulpitian priest, at Montreal, in 1667, the Sulpitians to whom the island had been donated by royal grant and who had thus become the "seigneurs" or titled land owners of the place, made a cession to him of a vast piece of ground or domain, located near "Saut St. Louis," the Lachine Rapids of today. De La Salle was then only twenty four years old. With characteristic energy, thrift and enterprise, he had the property cleared, tilled and developed and it soon became one of the most important trading posts of Canada. De La Salle could have lived in comparative ease and luxury on his property. He was the lord and master of everything that he surveyed from his gallery. The place was ideally situated, the ground fertile and his tenants most devoted and hard working. The revenues from the place were amply sufficient to allow him to lead a life of comfort and pleasure. Montreal was then a growing settlement and afforded the amusements of a budding metropolis. The fur trading business was bringing rich returns. Under the circumstances the ordinary mortal would have been pleased to live in ease and contentment in a foreign settlement. But not so with our young Norman conquistadore.

The unknown, the deep and mysterious forests, the lands and the rivers that lay beyond his ken, beckoned to him and the appeal was such a strong one that he decided in 1669 that he would travel beyond the Ohio and Mississippi Rivers, that he would find a great passsage way to China (la Chine). He stated to some of his friends that he wanted to make a discovery which would rank with that of Christopher Columbus. He confided his hopes and ambitions to a few of his close friends and though they tried their best to dissuade him from his purpose, he left with 21 men, in quest of the passage to China. In seven canoes they proceeded as far as Lake Erie. There several of his companions complained of the rigor of the climate, of the hardships endured, others became ill and did not approve of the ultimate goal and de La Salle finally set out again on his journey, accompanied this time by only a few faithful Iroquois Indians. In 1670 he reached

Le vingt deuxiesme jour de novembre
Robert a esté baptisé Robert Cavelier fils
Cavelier d'honorable homme Jean Cavelier
et de Catherine Geet; ses parrain
et marrainne honnestes
personnes Nicolas Geet
et Margueritte Morice

Acte de baptême de Robert Cavelier de La Salle
22 novembre 1643.

Archives départementales de la Seine-Inférieure
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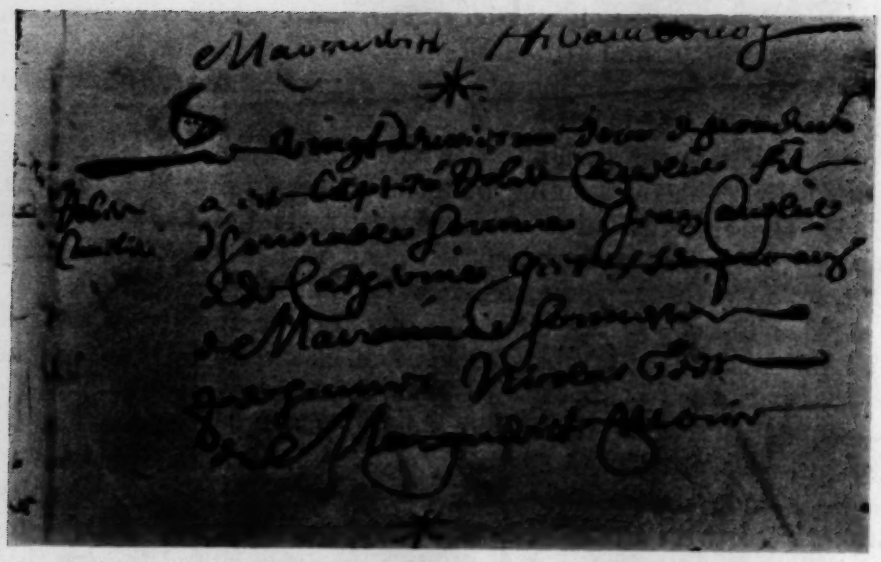

Copy of original entry of the baptism of La Salle, Nov. 22, 1643.

the banks of a vast river, which he stated was "wider than the river Seine in front of Rouen." He followed the course of that river as far as the present site of Louisville, Kentucky. From there he explored vast swampy regions and several of the shores of the Great Lakes. Of course he did not find the long looked for passage to China and while he had explored new and valuable

464. ROUEN — Cathédrale - Plaque commémorative dédiée au Célèbre navigateur Cavelier de la Salle (XVIIe siècle)

regions he returned to Montreal in 1671, chagrined and disappointed. He was naturally made the butt of the gibes and derision of his fellow men, who promptly christened his domain near the rapids, "la Chine," "China." That is how the place is called "Lachine" today and has given its name to the rapids that flow several miles above the city of Montreal.

I have visited the house built by Robert Cavelier de La Salle and which served as his home and was the most important build-

ing of his trading post and lordly domain for many years. It is a typical building of its day. The walls are massive and exceedingly thick, built of stone, shell and concrete mixture that has stood the test of time. The roof is of the high peak and sloping type, reminiscent of Norman architecture and such as you find today among the older buildings or manor houses of Canada. There are loop holes and embrasures in both the house and the smoking house, where the pelts were cured and kept, which remind one of the stirring days which the buildings must have witnessed. Two gentle and refined looking old ladies live in the house. They are of English extraction and have given to the interior the subdued and solid comfort which are usually to be found in English homes. They have converted the plantation ground into lovely gardens, where beautiful flowers bloom, of every hue and description. They have also a vegetable garden, which gives them greens and delicious salads, until very late in the season, so they told me. After I had visited the place thoroughly and stood on the front gallery overlooking the mighty St. Lawrence my mind reverted back to the days when its original occupant had lived there and I could not help but think that fate had been most unkind to the one who had served so faithfully His God and his king, under most trying and well nigh hopeless conditions and who had found an untimely death at the hands of some of his own companions, within a short journey of the great river, which today should unquestionably bear his name, as a tribute to the greatest accomplishment enacted in the Mississippi Valley in the latter part of the 17th century.

The words of the historian also came to my memory in connection with the life and death of the great man and which typically describe and extol his work: "When an idea is just, the one who first conceived it, can perish in his attempt to carry it out. What matters it, the idea will survive him and will some time be taken up and carried out by those who fought it. For truth is eternal and justice is perennial." De La Salle was a great thinker, a man of wonderful vision, a prophet and an apostle in his time. True he died long before his work had fructified but it will be to his eternal glory and honor that he made possible the founding of one of the greatest of colonial empires, the Province of Louisiana. The places where he lived, his abodes on this continent or in his beloved Normandy are shrines which Louisianians of today might well repair to in a spirit of reverence and gratitude.

IRWIN RUSSELL IN NEW ORLEANS

By John S. Kendall

ONE OF the most interesting incidents in the history of journalism in New Orleans was Irwin Russell's connection with the "Times," during the last few months of his unhappy life. I did not know Russell personally. He died before I became connected with the local press. But I did know a number of persons who were associated with him on the "Times," and from them learned a good deal about the poet's last days. Russell, I need scarcely say, was the man who discovered the literary possibilities of the negro. Before his time, the negro had figured in a minor way in Southern literature, it is true; but it remained for Russell to make him the exclusive figure in works of genuine literary value. He thus opened up a vein which was later exploited by Thomas Nelson Page and Joel Chandler Harris. Both of these writers have acknowledged their indebtedness to him.

Russell has another claim to remembrance, however, which is perhaps more important, and which has not been so generally acknowledged. He was a pioneer in that new literature which began in the South after the Civil War. Before the Civil War the literary tastes of the South were curiously dominated by England. I suppose it was the fact that the best talent of the South went into politics, oratory, and journalism, which made literature there seem at best a pale reflection of the writing popular in Great Britain between 1830 and 1850. It required the Civil War to shake the South loose from these literary prejudices and to direct attention to the resources which she had within herself. Probably the new literature which then began to grow up had its initiation when James Rider Randall wrote "Maryland, My Maryland;" but it received a tremendous impetus when about 1870 Irwin Russell began to publish his negro dialect verses.

Irwin Russell's advent in New Orleans was, in its pathos and sordidness, characteristic of his whole life. It seems that he found himself penniless and half-ill in New York, and, as he considered, disgraced in the eyes of his friends there, by his inability to resist the temptation of intoxicatants. He made his way down to the docks, obtained a position on the old Morgan line steamer

Knickerbocker, bound for New Orleans, and worked his way south as a fireman and coal-passer.

Major Robinson, who was then city editor of the "Times," and whom I knew very well later on, when he occupied the same post on the "Picayune," used often to relate in my hearing what then happened. Russell had no friend in New Orleans, no money, no clothes. When he left the ship he was covered with the grime of his filthy tasks. In his heart there was, as he himself phrased it, "a very devil of despair." He wrote an account of the trip, part in prose and part in verse, which was printed in the "Times" a few days later under the title of 'Fulton's Seamen." He signed this, and took it in person to the office of the "Times." Robinson used to say that he received the smutty sheets with amazement. Russell's name was known to him as a contributor to Scribner's Magazine, then one of the leading American periodicals; he looked at the dirty and bedraggled individual before him, and, unable to connect the two, became suspicious, and demanded to know how he had come by the manuscript. Russell pretended to be a friend of the author, and said that he was merely acting as his messenger.

"Go back," replied Major Robinson, in that brusque but kindly voice which he affected, "and tell Mr. Russell I will be glad to see him."

But Russell was too shy to present himself again at the "Times" office in his grimy seaman's dress. He wrote a letter in which he told the whole story, and wound up with the following words:

"What a time I had in that den of a fireman's forecastle, living on tainted meat and genuine Mark Twain 'slumgullion,' I won't try to tell you. I only tell you all this to make you understand why I did not let you know I was my own messenger last night. I never was in such a state before in all my life, and was ashamed to make myself known. However, needs must when the devil drives. I suppose I am not the only sufferer from Panurge's disease, lack o' money; but it is hard to smoke the pipe of contentment when you can't get the tobacco."

Robinson could not resist that appeal. He sent a note to the address which Russell had given him, in an obscure part of the city, where he had found lodgings with a kind-hearted Irish family, and offered to print and pay for anything which the poet might write. Russell lost no time in presenting himself at the

office, rather cleaner than before, and an advance payment enabled him to get fresh clothing. From that time, August 18, 1879, till his death four months later, he was a frequent contributor to the "Times." He was not definitely connected with the staff. The condition of his health precluded the performance of the exacting routine tasks of journalism; and even had he been sufficiently strong otherwise, his constant indulgence in intoxicants made his steady employment anywhere impossible. But he wrote constantly—one of his friends of that period has left on record the remark, that writing was, to him, as easy as breathing—and he was paid not ungenerously for his work. On this slender income he managed to support himself—on it, and the contributions which his admiring associates made from time to time—till the end.

The story of Irwin Russell, if told in detail, would be the inexpressibly sad history of dangers dared and unconquered, of temptations faced and yielded to, of sorrow endured with a certain cynical resignation, as punishment for wrongdoing. Professor Baskerville, in the chapter which he devotes to Irwin Russell, in his "Southern Authors," hardly more than hints at the regrettable truth, although he has told the story of the poet's life in considerable detail. But Irwin Russell is by no means as well known, even in the South, as he should be, and moreover, I have in my possession a few facts which Professor Baskerville overlooked; for both of which reasons I may be permitted to say something of the poet's life before he came to New Orleans.

Irwin Russell was a native of Port Gibson, Miss., and was born there in 1853, in a rambling old building afterwards used as the Episcopal rectory, and still in use about the beginning of the present century. His father was Dr. William McNab Russell, a most interesting man, for whom the son cherished an almost idolatrous affection. Dr. Russell was descended on his father's side from a Revolutionary soldier, who emigrated at the close of the war from Virginia to Ohio, and there brought up his children. Dr. Russell was still a young man when he established himself in Port Gibson, and except for a few years before the Civil War—from 1853 to 1861, when he was residing in St. Louis—made that place his home down to his untimely death.

The poet's mother was a frail little woman, whose maiden name was Elizabeth Allen. She was of New England ancestry.

She was a woman of fine intelligence and very unusual education. She began life as a teacher in a school in Bordentown, N. J., owned and run by the father of Richard Watson Gilder, at one time editor of "Scribner's Magazine" (afterwards the "Century"). From Bordentown Miss Allen came to teach in the Port Gibson Female Institute, and it was there she met the clever young physician, and it was in the vast, old-fashioned parlor of that establishment that she and Dr. Russell were married, in August, 1850. There is no question that the poet inherited from his mother both his genius and his frail physique. Nevertheless, she outlived both him and her husband, dying at an advanced age in 1902, in Los Angeles, where she had been an inmate of the home of one of her other children; for the poet was not her only child.

The poet's childhood was spent in a building which was still standing in Port Gibson, some twenty years ago, a great, roomy, old-fashioned Southern house used some years ago as a bank. His first school was the Brashear Academy; thence he was taken to St. Louis, and there put to study with the Jesuits, who conducted an excellent establishment in that city. At the latter place, at least, he gave evidence of real scholastic ability. It is said that he was able to read when only four years old. He was, however, a delicate child. At the age of three he suffered a severe attack of yellow fever, from which he does not seem ever to have entirely recovered. When he was five years old he accidentally stabbed himself in the right eye with a penknife, while playing a game with some small companions, and completely destroyed the sight in that organ. The other eye was afterwards injured by excessive reading, and he was obliged to wear a pair of glasses fitted with heavy lenses.

These facts endeared him in a very special manner to his mother, who, with her lovable manners and keen intellect, really dominated all his life. She it was who encouraged him in every way to develop his mind. Her love seems to have discerned in the weakness of that fragile body that other weakness which was to make him a wanderer on the face of the earth, and finally to destroy him. She kept him with her as much as possible. His principal companions were thus books and his mother, but there are anecdotes which indicate that at heart he was much like other children of his age; fond of mischief, and a leader in all sorts of pranks, whenever that

irrepressible spirit which seems always to have been his, found an outlet in normal, healthy boyish activities. One of these relates to the practical joke which he played on Dr. Mary Walker, the suffragette, who was just then very prominent in national affairs. He and another boy wrote to Dr. Mary, in Washington, stating that, if she would come to Port Gibson, and go to the home of a certain lady (who, needless to say, was quite unaware of the honor she was about to receive), she would hear of something to her advantage. Strange to say, Dr. Mary accepted the invitation. Young Russell and his companion in guilt received her at the railroad station and accompanied her to the designated place, followed by a file of astonished pickanninies, shouting with delight at the visitor's strange habiliments; for Dr. Mary Walker wore a curious costume, part masculine, part feminine, including a pair of trousers. It must have been a curious procession, and for the youthful poet a supreme moment, the memory of which was unspoiled by the fact that the irate Mary afterwards exacted a tidy sum from his parents by way of damages.

Irwin Russell was still a mere boy when that thirst for stimulants fastended upon him which was destined to work so much harm to his constitution in after life. He said himself that he could scarcely remember a time when the craving for some unnatural stimulant did not possess him. Amiable, lovable, and tractable as a child as he always was, this vice was in him scarcely a vice, but a special weakness which he was unable to overcome, and which never made him offensive to those with whom he came in contact. But it brought him to poverty and unhappiness, and led him to die among strangers. That was because his pride was as strong as his infirmity, and drove him to flee from friends and to shut himself away from hearts which he knew he was breaking. But it is not true, as has been said, that he died friendless, in the sense that friends turned from him in the hour of his need. There was not a man on the newspapers in New Orleans who would not gladly have shared with him his last crust. The men and women who followed him to the grave were companions to whom he had endeared himself in the office of the "Times," during the brief period of his connection with that paper. In New York, when he started on that ill-omened trip to New Orleans, he left behind a host of friends who had done all they could to help the hap-

less boy, and would have done much more, had he remained there.

This regrettable habit interfered with his literary work. The press, both of New York and New Orleans, welcomed his contributions, and he could easily have earned a good living by his pen. But he was unable to devote himself regularly to any form of work. On his return to Port Gibson from the Jesuit school in St. Louis, in 1869, he began the study of law. He read law for three years in the office of Judge L. N. Baldwin, and was then admitted to the bar, although under age, a special act being passed by the state legislature to permit him to practice his profession under these rather exceptional circumstances. An honorable career seemed to open before him. That he was not as unfit, temperamentally, for the law as has been said, seems clear from the fact that he was considered proficient in conveyancing, one of the dryest and most laborious branches of the profession. He does not seem ever to have tried a case in court. After six months' practice, however, he threw it all up, on the ground that the work was uncongenial. Nevertheless, traces of his legal experience are discoverable in many of his poems, notably in "Wherefore He Prays that a Warrant Issue," "The Mississippi Witness," and "The First Client." His parents impoverished themselves in this and other efforts to give the boy a start in life, but nothing definite came of their efforts. In the last weeks of his life, in New Orleans, he would often speak of his neglect to avail himself of the advantages that were put before him. To one of the friends of that time, Mrs. Martha Field, who under the name of "Catherine Cole" was then writing for the "Times," and whom I afterwards knew on the "Picayune," he used to speak with the melancholy frankness of one making his last confession of the failure of his life. I remember her speaking of these interviews, and saying that Irwin Russell admitted that he had never really expected anything else; that he knew that his weakness would always conquer, and that he would always fail.

"I have always known it," "Catherine Cole" reports him to have said, "with a sort of second sight and a premonition of these days—for I believe these are my last days. I feel now, so old am I, as if I could not remember the age when occasionally the desire for some unnatural stimulant did not possess me with a fury of desire. I wanted to feel this lightning course in my viens and in my brain, and this has been stronger than

ambition, stronger than love. I have stretched my moral nature like a boy playing with a piece of elastic, knowing I should snap it presently. The most curious and interesting study of my life has been watching my own slow, sure and hideous disintegration.

"It has been the romance of a weak young man, threaded in with the pure love of a good mother, a beautiful girl who hoped to be my wife, and friends who believed in my future. I have watched them lose heart, lose faith, and two or three times I have been so stung and startled that I resolved to save myself in spite of myself. Twice I have run away from myself, meaning like an escaped convict, to regain reputation and a pure life in some new unknown country. But hunger and worse—thirst —followed with me, the old Irwin, the old stained convict in me, clung close; I never got away from him—I never shall."

One of the most characteristic incidents of his early life was this attempt to run away to sea. He was very young at the time, and much under the influence of the novels of Maryatt. He got as far as new Orleans, and lived there some time in a sailor's boarding-house, dressing and acting as much as possible like a sailor. He made an unsuccessful effort to get a berth on a ship going to the Mediterranean. It is said he was actually aboard when the vessel was preparing to leave, but his frail physique did not recommend him, and at the last moment he was hustled ashore. Later, he was seized with the desire to go West. He started for California, and got as far as Tennessee, but fell ill and had to return home. He next went to Texas and lived a short time out on the plains, but he could not stand the rough life of the frontier, and illness again compelled him to return to Port Gibson. It was while at home after this journey that he saw the yellow fever epidemic of 1878, and by his courage and devotion to the sick won the lasting affection of his fellow townsmen. He nursed the stricken, cheered the dying, helped bury the dead. For some weeks he lived "on a biscuit a day." Many of the inhabitants of Port Gibson fled at the first news of the outbreak of the disease, but between 600 and 700 remained to face the scourge; and of these over 500 were stricken and 118 died. One of the traditions of the town is that he used to take his banjo to the homes of the dying, and to its accompaniment sing the hymns which comforted the patients in the last hours. Russell was passionately fond of

music, and a very skillful performer on the piano, as well as on the banjo.

At the end of this terrible experience he wrote to a friend, "Five days ago I for the first time in a month sat down to a regularly cooked and served meal." He himself passed through the epidemic without contracting the disease; and his father, who remained to share the dangers of the time, likewise escaped. But hardly had the fever abated, when Dr. Russell, exhausted by his professional labors, suddenly fell ill and died. The death of this adored parent was a severe blow to his son, financially, as well as in the affections; for now the poet had to depend upon himself alone, and he was—alas!—quite unable to do that.

Irwin Russell left Port Gibson for the last time in December, 1878, six months after the epidemic. Early in that month he was in New York City. There he was warmly received by Richard Watson Gilder, H. C. Bunner, Robert Underwood Johnston, and other distinguished literary men, to whom his work was known. The love and tenderness of these men, who rallied around the boy and tried to shield him from his own infirmity, must have been inexpressibly sweet to him, "although I knew," he once told Mrs. Field, "that I would win, not they." And he did win. His irregular habits not only prevented him from working; they brought him poverty and illness. He was nursed tenderly through his sickness by Bunner and Johnston. It is said that during his convalescence he suffered from some kind of mental trouble—a clouding of the mind, in which he himself was conscious only of a great desire to run away.

It was probably this obsession that drove him to that pitiful voyage on the Knickerbocker to New Orleans. In "Fulton's Seamen" he tells something of that trip. He was "under the orders of his high mightiness the first assistant engineer." When he went on board he was ushered "into the 'port forecastle,' and enjoined to remain there during the trip, as it was by no means desirable for him to be seen by the captain, who was always spoken of as the 'old man.' He accordingly remained there and worked there, except when darkness brought him an opportunity to come out for a little fresh air." We can imagine that the labor and the confinement were hardly beneficial to a man just released from the hospital, but at any rate the sea winds seemed to have

cleared away the vapors that had been hanging over his mind. The ship carried few sailors, but a large complement of oilers, coal-passers—of whom Irwin Russell was one—and engineers. "The sailors," writes the poet, "were almost supernumeraries. They seemed to be little more than an excuse for the existence of a mate and a second mate—two gentlemen who preserved the professional traditions, at least as far as swearing went, and thus lent something of a genuinely nautical air to what they called 'the boat.' The firemen were the real workers of the ship and makers of the ship's progress."

Whatever notion of romance the poet had when he joined the ship was put to flight by the voyage. Wilkie Collins has said that most seafaring men are coarse and brutal ruffians, but Irwin Russell discovered that there are among these men degrees of degradation of which the British novelist had no knowledge. In "Fulton's Seamen" he says that "the average seaman is a gentleman and scholar compared with the average fireman. The latter is necessarily a powerful man and nearly always a brute from choice. If there is on earth anything nearly resembling hell, it is the fireman's forecastle—for its inmates are the very exponents of indecency and every manner of degradation, and life among them is one eternal horror. There are exceptions; there is occasionally a respectable, though rough and ignorant, man in the number, but very rarely. Their work is exhausting; so much so that their watches are 'four hours on and eight off.' On board the ship in question they sleep in short, narrow, uncomfortable berths, every man furnishing his own bedding. No conveniences even for washing the face and hands are to be found. The only water they get to drink has oatmeal stirred in it until it resembles milk, and their food, consisting partly of refuse from the cabin table, is altogether unfit to eat. Theirs is a hard life. It is a pity that one can only put the bare outline in print, but in these days the writer would dare no more."

The voyage lasted five days; the Knickerbocker arrived in New Orleans about the beginning of August. Here the poet had a chance to see how his shipmates behaved in port, and the experience must have been as distressing as the voyage. He went from one resort to the other trying to find a place to stay. He saw the firemen, like the seamen, in the "barrel houses" and "bucket houses" which, it seems, were their principal places of entertainment. "In the latter," he explains in "Fulton's Seamen,"

"—small groceries with a little bar at the back and a stack of buckets always at the door—vile imitations of all kinds of liquors are sold at five cents per glass. In the former upon payment of fifteen cents, one is furnished with a half-pint measure which he fills at choice from any of the casks that line the wall, and empties —to his sorrow—at one of the tables around the place." One may imagine that a man with Irwin Russell's weakness knew only too well the consequences of indulgence in the deleterious liquors dispensed in these establishments, which were unique to New Orleans. At length he managed to escape from these vile dens, and his kindlier fate sent him to a forlorn little house at No. 73 (now 323 N.) Franklin street, where he found lodgings. It was in one of the poorest and meanest quarters of New Orleans, yet I say it was a kindly fate that directed his footsteps to this red-painted little cottage standing directly on the street, with its small stoop and two glass doors that opened into the front room, not much different in appearance then from the way it looks today. For the little Irish widow who lived there with her three children had a heart of gold. She rented the poet a tiny room upstairs, in a kind of two-storied rear building, very rough and small, which in the hot summer weather, must have seemed a second edition of the engine-room in the ship he had just quitted; and for a tiny stipend cooked his simple meals, and for divine charity's sake watched and tended him during the failing hours of his life, and finally knelt by him in the dusk to mourn him when he died.

The poet did not actually suffer want in New Orleans. What he earned at the "Times" was supplemented by the generosity of a friend in Port Gibson, Judge Baldwin, who arranged with a New Orleans merchant, to see that the poor young poet was provided, at the Judge's cost, with means sufficient for his needs. But the larger part of the contributions made for his relief in New Orleans went as similar offerings had gone in New York: the craving for stimulants was too strong to be resisted. I remember hearing Mrs. Field say that in these last months, when he and she were closely associated in their tasks on the paper, she used to invite him every Sunday to her home for dinner. He knew how she grieved over his frequent falls from grace, and invariably, when about to leave, he would stop, hat in hand, at the door, and say "I thank you so much, and I pledge you my word of honor that I will go straight home to my room from this house." It was the best way he knew of returning a good woman's hospitality; for he had a gentle and loving heart,

and the deepest hurt of all was the consciousness that his waywardness was causing sorrow to his friends.

At that time "Catherine Cole" was writing in the "Times" every Sunday what was called an "intercepted letter," ostensibly a private communication giving in a gossippy way the latest social news of the city. Hardly a Sunday went by without some bit of verse appearing in these columns. She had charge also of the humorous department of the paper, published over the title "All Sorts." I believe Irwin Russell gave her some help in compiling her social column, though the verse in it was her own; but for "All Sorts" he wrote almost daily a bit of rhyme, generally the most obvious doggerel, which he wickedly credited to the leading poets of the country. Some of these may be of interest:

Fisherman, solemn and sedate,
Loan me a little of your bait?
But he only winked one eye at me:
"I'm not the Lone Fisherman," said he.
—TENNYSON.

Put away the long blond tresses
That our darling used to wear.
She will never, never need them,
For our darling bangs her hair.
—G. W. CHILDS.

"Darling, I am growing old,
Silver threads among the gold,"
Sang the wife. But Jack replied,
"Turn your switch on the other side."
—J. G. WHITTIER.

Not very much as poetry, but amusing for the names associated with them! The companions of that time say of Irwin Russell that he was full of jokes, genial, a delightful companion, who easily made friends wherever he went.

One day in the early part of December, as he was leaving the "Times" office, he turned to a friend, and said, "Good bye. You may never see me again. I fear I shall never look on you more." It was a morbid, fantastic speech, but with Irwin Russell in those days the mood of jest alternated unexpectedly with moods of deep depression, in which he was accustomed to speak apparently without hope for himself—even the wish for life was extinguished in him—and it was inexpressibly sad to hear him refer to himself

as to one already done with life and forgotten by the world. Not much attention was given to that parting remark then, but it was true. A day or two passed; he did not reappear, and then came a message, to the effect that Mr. Russell was ill. Christmas eve came, and his companions of the "Times" went with little bouquets of mid-winter flowers down into the very heart of the most squalid section of the city, into the noisy, dirty, wretched neighborhood in which the poet had found lodging, and laid their offerings upon the lifeless clay, where Irwin Russell lay in his coffin.

One of those present on that occasion once described the scene to me: The green wooden "batten" shutters of the front room were spread open to the street, as were also the doors. The day was unseasonably hot. From the shutter hung a bow of white tarleton, with floating ends rudely scalloped along the edge. Children, bare-legged and ragged and dirty, played in the street, or sprawled over the threshold, gazing curiously in at the long black thing in the middle of the room. Tawdry women, casual and careless passers-by, to whom the poor dead boy was unknown, stopped at the white tarleton symbol of death, and entered to stare with ghoulish satisfaction at the rigid form. A policeman had been sent at the solicitation of Russell's newspaper friends from the central police station, to guard his remains. This official, in his blue uniform and helmet, stood at the head of the coffin. Near him sat the faded, sad eyed little Irish widow, Irwin Russell's landlady, holding in her hands a bundle of letters, the last he had ever received from his mother and his sweetheart. There is no clue to the identity of that good woman. Poor as that shabby little dwelling was, it sheltered a charity and devotion and unselfish pity that would have been beautiful in a palace. The poet was an entire stranger to its poverty-stricken mistress. His only claim on her was the pittance which he paid her for his room and his meals. Her hands were rough and stained with work, and her heart was heavy with her own sorrows; but she had time and sympathy for the poor dying boy. It was her arms that held him in his last agony; it was the eloquence of her prayers that followed him down into the valley which is the shadow of death. During his illness it was her sturdy arms that held him in bed when delirium seized him; it was her hand that gave him medicine and food. She shared with him all she had, and when at midnight, at the very moment when the gladdest festival of earth was beginning, on a poor cot in a miserable room up under

the roof, hers was the voice which prayed with Irish faith and passion for the repose of the departed soul.

I have always been told that the poet's body was laid to rest in the potter's field, but this was not true. Judge Baldwin supplied funds for a modest funeral and paid for a tomb in the Firemen's Cemetery. A few months later, however, the remains were removed from New Orleans and taken to St. Louis, where they received permanent sepulture at the side of his father, whose body had been taken to that city when he died, in Port Gibson.

Something of the same tardy honors were paid to his poetry. Nine years after his death, a slender volume was published by the Century Company, containing forty or fifty of his poems, including "Christmas Night in the Quarters," one of the masterpieces of American literature. The compilation was hurriedly made. Of the poems published in the "Times" during the last months of his life—for in New Orleans Irwin Russell's poetic vein flowed freely—only his last, "The Cemetery," which appeared a few days before his death, was reprinted there, and that apparently because it was easily located. The "Times" announced Mr. Russell's death in a short editorial on December 24th, in which the editor said: "Few men ever get so many buffets from the hand of fate, and fewer still so little benefit," and quoted "The Cemetery," as published ten days before. There the "Century" representative found and copied the verses. But either time or inclination was lacking to make any further search into the file of the "Times," or the dozen or more important poems there accessible would unquestionably have enriched that slender volume. The editorial referred to says: "He wrote many a pretty little poem and many a little catch which reveal an inner life which hard lines hid from the view of the world;" and this hint ought to have been acted on at the time.

Much has been said of the painstaking care with which Irwin Russell did his work. Nothing could be wider of the fact. Indeed, most of his best verses were dashed off without premeditation, and printed without revision. He wrote the famous "Christmas Night in the Quarters" on the spur of the moment, and offered it to the "Revielle," Port Gibson's only newspaper, which refused it on account of its length. This was in 1876; a few months later it appeared in Scribner's Magazine. "Dat Peter" was dashed off on a scrap of paper held against the door of the "Reveille," one morning, when the author happened to be passing that office, and was suddenly seized with the idea of the poem. "Nebuchadnezzer"

was composed with equal rapidity after watching an altercation between a negro and a mule in the streets of Port Gibson, in which the former came off second-best. The principal part of Russell's work was done for "Scribner's Magazine" (the "Century"), but he also contributed to "Puck" and to "Appleton's," and a number of shorter pieces were written for the Port Gibson "Revielle." No doubt there remain in the files of that paper some poems that have not been reprinted. It is to be regretted that no admirer of the genius of this young Southerner has yet found time to explore those dusty volumes, and recover these verses.

It was in the "Revielle" that Irwin Russell published his first poem, written when he was in his eighteenth year. It appeared in the number for October 13, 1874. It was occasioned by some verses in the preceding issue, by Miss Sallie Massie. She signed her poem "Ishmael," because, as she explained, her poetry would share the fate of that Biblical character, and every man's hand would be against it. The pathos of this declaration seems to have touched Irwin Russell's imagination, and he responded in a poem which he called "Ships from the Sea," and which he dedicated to "Ishmael":

With a trembling hand she launched them
On the ever-shifting tide,
And she stood on the beach and watched them
Far out on the ocean glide.
Till their shadowy shrouds were mingled
With the mists they sailed to meet,
And the rainbow tinted masses
Received her fairy fleet.

Her dearest hopes were their cargo,
Her fancy furnished the chart,
And to guide them upon the voyage
The compass was her heart.
With their gossamer pennants flying,
And their silken sails outspread,
O'er a strange, mysterious ocean
The goblin vessels sped.

When the years had passed she waited
On the golden sands of the beach,
That her long-expected flotilla
Was never destined to reach.
And she asked of the murmuring seabreeze,
And again of the waves around,
The question often repeated,
"Are my vessels homeward bound?"

And there came to her never an answer.
She asked in vain of the wave,
And the sighing breezes swept past her,
And never an answer gave.
But she patiently watched and waited,
For the coming home of her ships,
Till the bloom of her beauty faded,
And smiles had forgotten her lips.

At last, when its fetters were broken,
Her spirit fled over the sea
In search of her long missing vessels
Wherever such vessels might be;
In the country of dreams and of spirits,
All wrecked on a treacherous strand,
She found her good ships and their cargoes,
Her hopes, buried deep in the sand.

Never we know when we launch them
The way that our vessels will roam,
Nor know when to expect them,
If ever, returning home.
To some they come preciously laden
From short and from prosperous trips,
But most of us vainly are waiting
For the coming home of our ships.

These are not remarkable verses, but they are unusual in the sense that they were the work of a mere lad. The note of sadness, which one observes in them, seems prophetic considered in the light of his subsequent career.

At the time when these verses were written, Irwin Russell and Miss Massey were engaged to be married. This fact explains the tone of affectionate intimacy which permeates Russell's verses. However, the affair did not last long, but was broken off sometime previous to the yellow fever epidemic, in 1878. In spite of the young woman's acknowledged beauty and charm, she seems to have left only a slight impress upon the poet's life. On her side, however, the affair seems to have influenced her to the end; if we may attach any significance to the fact that in her will occurs a passage bequeathing a part of her jewelry to Mary Russell, the young sister of Irwin, to whom he was devotedly attached. Miss Massey and her sister, Mrs. Lynch, resided in Port Gibson, with her uncle, Judge J. Thrasher, not at Yucatan plantation, as has sometimes been

erroneously asserted. Both women succumbed to the yellow fever in 1878, dying within a few hours of each other.

After breaking her engagement to Irwin Russell, Miss Massey married Dr. J. J. Kirkbride, a druggist in Port Gibson, who had come south in "Reconstruction" times. He was one of the so-called carpet-baggers, and took a prominent part in the politics of the post war period. He was said to be the spy whose activities were instrumental in constantly haling the men of Port Gibson before the Federal authorities at Jackson. After a short married life he and Mrs. Kirkbride separated. He left Port Gibson before the epidemic of yellow fever occurred.

Mrs. Kirkbride had sought refuge in the country at the outbreak of the fever, and on becoming ill was brought back to town. Irwin Russell, who was a leading member of the Howard Association, as the society was called which was handling the relief-work, made all of the arrangements for her return. It was his care which prepared a comfortable room to which she was taken. He even put up the bed himself, and just before her death went to see her. In one of his letters he tells of this last interview.

After the epidemic Dr. Kirkbride's brother came to Port Gibson for the child whom the epidemic thus left an orphan, a little boy of about four years, and took him to his home in Philadelphia.

The real love of Irwin Russell's life, however, the one which stirred the depths of his spirit, was not Miss Massey, but Miss Dora Donald. Originally from Tennessee, she came to Port Gibson about the beginning of the seventies and lived there for some time with a relative. Miss Donald was quiet and reserved, with none of the scintillating wit that characterized Miss Massey, but she seemed to have been possessed of a rare spiritual quality, that caused men like Irwin Russell to feel that when they approached her, the ground on which they stood was holy. His friends say that when with Miss Donald, Irwin Russell was a different man. Bold, clever, fluent, and witty in the presence of other girls, with Miss Donald he was as timid as a school boy. It was to her he referred when in New Orleans and near the end in speaking of himself, he said, "My life has been the romance of a weak young man threaded in with the pure love of a mother, a beatiful young girl who hoped to be my wife, and friends who believed in my future."

A few other verses have been preserved from the earlier period of Irwin Russell's career, rhymes written in the autograph albums of young ladies whom the poet knew in Port Hudson. In the album of Miss Ella Williams he wrote:

It used to be in ancient times
Before old Nick invented rhymes,
That people scorned deceitful arts
And kept their friendships in their hearts.

The fashion's changed—how well it looks
To write one's feelings down in books!
For thus each man his mind may paint,
And make a sinner seem a saint!

Here in this book is many a line—
Lord, how the writer's virtues shine!
How noble, tender, soft and sweet
The sentiments that they repeat!

If you believed one half they say,
You'd be at least as soft as they,
But you are blest with common sense,
And know the worth of such pretense.

But on these pages still appear
Some thoughts you know to be sincere:
Select the truest and the best,
And take them as by me expressed.

The following is from the album of Mrs. M. A. Kyle, formerly Miss Mollie A. Morris, of Port Gibson:

I've kept your book a long, long time,
And only written borrowed rhyme,
But evils always have their cures.
These lines are mine—I mean, they're yours.

Perhaps you'll think such wretched verse
Can only make the matter worse.
But what of that? Just think away—
I only care for what you say.

And if you say what's too severe,
What then? I won't be there to hear.
So I'm content on either hand:
Your humble servant to command.

Much more important than these impromptus was a negro play, written in dialect, now unfortunately lost. This work was completed just before the outbreak of the yellow fever epidemic in Port Gibson. It was written in response to a suggestion of a friend in New York, probably Richard Watson Gilder, always keenly interested in the career of the son of his father's former associate. The play is said to have been one of Irwin Russell's happiest efforts; as, indeed, it may well have been. He had made arrangements for its production in New York, but was anxious to have it tried out before sending on the manuscript for a final decision, and the Thespians, a dramatic club in Port Gibson of which Russell was a member, undertook to put it on. Theatricals were a favorite amusement among the young people of Port Gibson. The Thespians performed the play before an enthusiastic audience. The next day the existence of yellow fever in the little town was announced; the play was forgotten. Seven of those who took part in the entertainment died. Efforts were made after the poet's death to locate at least a portion of the manuscript of the work. These were without success. The play was written on coarse brown wrapping-paper, in pencil, and seems to have been destroyed immediately after the performance.

The title of this lost play was "Everybody's Business; or, Slightly Mistaken." Something of the content may be guessed from a description of the roles enacted by different members of the Thespians. Miss Sallie Williams, for example, came on the stage at one point waving a head-kerchief, and exclaiming: "De cows am in de gyarden and done et up all the mattusses!" Another young woman's solitary speech was: "What might your 'titlements' be?"

The cast was in part as follows:

Mr. Gilbert, a planter	Charles Weitman
Henry Osgood, Lucy's son	S. M. Briscoe
Joseph Shorter, his rival	C. F. Mason
Mr. Ananias Teller, the elderly neighbor	R. W. Magruder*
Count Zimmernagel, a distinguished foreigner	N. A. Son
Pete, colored, Uncle Billy's son	S. Gunst
Mr. Romeo Johnson, a "fancy darkey," from the city	Charles Shreve, Jr.
Lucy Gilbert	Ella Williams
Mattie Gilbert, her younger sister	Jenny Weeks
Miss Munson, Mattie's governess	Julia Weeks
Miss Belinda Bitts, an old maid, cousin of the Gilberts	Mollie Morris

*Father of Rear Admiral Magruder of New Orleans.

Besides whom there were a number of "colored" characters, one of whom, Anne, "a smart serving maid," was impersonated by Alice Keifer, afterwards Mrs. Worms, of New Orleans and New York. The part of Aunt Sophie, Uncle Billy's wife, was taken by Sallie Williams, and Irwin Russell assigned himself the character of Uncle Billy. All of the performers were socially prominent. Mason, for instance, was the son of the editor of the "Reveille." Magruder the postmaster of the little town. Shreve owned the local drugstore, and it was he who, in default of banking facilities, cashed the checks received by Irwin Russell for his poems, as these were published in the New York publications to which he contributed.

The play was hurriedly written, but underwent extensive revision during the rehearsals, which extended over a period of several weeks. There are some references to it and to the Thespians' performance in Russell's letters. In one of them he gives his reasons for selecting two members of the cast. To Miss Alice Keifer he gave the part of smart housemaid 'because she is one of the best actresses we have and will dress and move to the part to perfection.' For the leading part, that of Sophie, he selected Miss Williams (afterward Mrs. S. C. Englesing) 'because she is beyond comparison the best actress of them all—though she is only 15 years old. I have seen all of the great actresses of my time but none of them can equal her in light comedy, yet she has never been out of the town of Port Gibson in her life.'

The fate which overtook Irwin Russell's play was characteristic of his entire literary career. Probably no man has ever received less for his work, considering its importance in the literary history of the country. Russell himself considered his "Nebuchadnezzer" his best work. But an extremely complimentary letter from the publisher together with $10 was all he was paid for it. 'Christmas Night in the Quarters' brought $75. Three of the other poems brought $8 each, and the others lesser amounts.

Whether his play would have netted him any considerable financial reward, had it ever reached the boards in New York, may, in the light of the aforecited experience, be doubted.

At the same time that he wrote "Everybody's Business," Irwin Russell also planned a novel dealing with negro life. This project was never put in execution. It can never be too

much regretted that did not live to write a book of the sort; it would unquestionably have been a masterpiece of Southern humorous literature. No one could have painted the Mississippi negro with more fidelity or deeper sympathy. His knowledge of the negro was very exact. "I have lived long enough among the negroes," he said on one occasion, "as also long enough away from them, to appreciate their peculiarities; understand their character, disposition, language, customs and habits; have studied them, and have them continually before me." This was true; and it is a curious fact that his poetry other than in dialect seldom rises above a respectable mediocrity.

This is especially true of the poems which he wrote for the "Times" during the last five months of his life. When I was planning to write this paper, I made an examination of the file of this paper during the period of Russell's connection with it, and discovered no less than ten poems that have not been reprinted; and of these the four in dialect are by long odds the best. These poems follow:

A SABLE HUNT

Ol' hoss pistol's hyard to beat—
Kill a nigger acrost de street.
Plenty o' shot and powdah, too—
Oh my, pa'trudge, whey is you?

Set still, robin; don't you fly!
Fixed my mout' fo' robin pie!
Booie! Missed him! Dar he go!
Tell you whut, I skeered him, dough!

Put mo' load in, ram 'er down—
Bet she'd kerry f'm heah to town—
Lawsy mussy, whuts' dat 'ar?
B'liebe my soul hit's a big brack b'ar!

People, what I gwine to do?
You tell me, an' I'll tell you!
B'ar c'd outrun me, I suppose—
Bes' bang a-loose, I 'spec'. Heah goes!

Hoopah! Fotched him! Yuh dat fuss?
Feel so good I c'd almos' cuss.
Mistis' ol' brack cow? Hooee!
Ain't my pap gwine to work on me?

A FIRE ALARM

I hears de alarm f'm de number one box,
Lissen, sinnahs, lissen!
Mark how earnis'ly de angel knocks!
De fire is hot an' hissin'.

Angels tappin' on de conscience bell—
Heah it, heah it bangin'!
Hit's a gre't big fire deys a habbin' in hell;
Dat's why de 'larm bell's clangin.'

A fire dat de ingines nebber gits 'round,
Sinnahs br'ilin', fryin',
Where de Babcock 'sting'shers kaint be found,
An' dey ain't no use o' tryin'.

Flames is a-burnin' up higher an' higher,
Surprisin', oh surprisin',
You has an intrust in dat fire,
An' de flames is still a-risin'.

Jump when you heah dat warnin' chime,
Jump up, sinnahs, jump up!
Do your do in a berry quick time;
Now is de time to hump up.

Kase you know dat you kaint afford—
Hallelujah be singin'—
To resk yo' souls, for dey ain't inshored!
Lissen at dat fire-bell ringin'!

(NO TITLE)

Oh, eben let dem do dey best,
Whar is de angels gwine to rest
In de mohnin', in de mohnin',
When all de sinners gwine to say,
"Dis yuh time is judgment day
In de mohnin', in de mohnin'?"

Heah dem wicked niggers shout
When de brimstone's bein' ladled out,
In de mohnin', in de mohnin',
Dat time 't'll be too late to pray—
No time lef' on de judgment day,
In de mohnin', in de mohnin'.

Fix yourself as well's you kin;
Pick up virtue and drap down sin,
In de mohnin', in de mohnin',
Kase you'll need it—all you got—
Ef yours rich, or po'r, or not,
In de mohnin', in de mohnin'.

THE KINGDOM GATE.

Nebbeh knocked on de Kingdom Gate befoah,
Yet dey comes for to let me in—
Come, frow yo' traps on the gal'ry floah,
Ef dey doesn't hol' no sin!
It ain't berry far to de kingdom gate,
An' de doah hit's right inside;
But e'zamine yo' baggage—for dey'll make yo' wait,
Ef it's sin what you's tryin' for to hide.

You kain't smuggle nuffin' throo de Kingdom Gate
What ain't got de right to go;
You kin git up arly, you kin git up late,
But you'll nebbah do dat, I know!
De greenhorn angels is de be'y las' kin'
What is detailed dar for de gyard—
Oh brudder sinnahs, what's a stringin' 'long behin',
You' gwin to git s'arched mighty hard!

But ne'm mind de trouble, so we all gits froo,
In de Christun's good ol' way!
An da's what we sartinly workin' for to do,
Workin' by de job an' de day!
Hallelujah! Nuffin' but de solid gol'
In de gate, an' dey ain't no brass!
De lam's inside doesn't cumber up de fol'—
Sinnahs, when's you comin' for to pass?

It is interesting to note that this last poem is one of the two among those recovered from the "Times" file which is signed. Moreover, it is dedicated to "H. L. F."—but the person whose identity is concealed behind these initials I have not been able to discover. "The Cemetery," which is contained in the "Collected Poems" of 1888, was not signed, but it is definitely identified as Russell's in the editorial announcement of his death. Russell also signed the article, "Fulton's Seamen," which contained a long string of rhymes entitled "A Pun Her Travels," which I shall not attempt to reproduce here, partly

because of its length—it occupies nearly a column of the "Times"—but chiefly because it is devoid of poetic value altogether—a bit of doggerel which, but for the poet's signature, would be destitute of interest. The only other poem which has his signature affixed in the "Times" is "One Day;"

In every life there is one day
That comes but once—once only!
Whose memory cheers in some strange way
The sorrowful and lonely—
Some day when something—love or mirth—
Makes us forget the woes of earth.

One day we meet that ushers in
The blackest of tomorrows—
A day on which we must begin
To battle hard with sorrows—
Full of the storms of human woe—
A day like that we all must know.

Then comes one day, when Death,
His cypress garlands weaving,
Relieves us of the breath
We get so tired of breathing,
And then we're free to fly away
There, where our life is all—ONE DAY.

"One Day" is evidently one of the poems to which the writer of the "Times" obituary notice refers, when he speaks of the verses "which reveal an inner life hid from the view of the world." It is curious to note that no less than five poems written for the "Times" have to do with death and the future life.

DEAD HOPES.

Digging away at the grave
Of a hope that's dead forever,
A hope that I could not save
That will live again, ah never!
Digging, hiding my hope away:
Who is to help me cast my clay?

Each for himself must dig, and again,
To bury the hopes that die;
Each must suffer that toil and pain—
They come—and are always nigh.
Yet no matter—in some short space
God will give us a resting-place.

But all of his verses at this time of discouragement and despair were not melancholy. Some wear even an optimistic air:

To sit you down and cry
    Is not so very pleasant,
But laughing by-and-by
    Makes you forget the present.
Forget your griefs, if you have some:
They're balanced by the laughs to come.

THE KEY.

There is no fog so dense
    But the sun peeps through it;
So every hidden sense
    Some mind gropes to it.
The type of life lies under Rome:
A well-explored dark catacomb.

It is an easy task
    To find what others groan for—
If they shed tears, just ask
    What you have shed your own for;
The mystery needs no better clue
Than memory of what's happened you.

Two souls accord in tone
    That in us are enfolded—
There is one mold alone
    Where melting hearts are molded.
Let but thyself the touchstone be,
Man has no secrets then from thee.

And finally we have these two stanzas—the poet's commentary on his own infirmity of will:

HEARTS.

No matter how hard the stone,
    No matter how hard the steel,
'Tis the human heart alone
    That is really too hard to feel.

Yet a heart may be so weak—
    When a strong will comes to break it—
That the soul still fails to seek
    Some way more strong to make it.

A little more than a month after he penned these none-too-skillful rhymes, the soul, which had so often failed to strengthen the poet's heart, took its flight. Irwin Russell's was a sad life—sad with a sorrow largely of his own making, but also with the pain of his time and his dwelling-place. Literature contains many another life like it, made long with suffering and regret, though short as we reckon the years. Over the graves and memories of all such as Irwin Russell it would perhaps be well to spread the mourner's pall of sympathy and silence; save that in his case, at least, the darkness is illuminated by flashes of the light of genius—of a genius too rare to be left to lose itself in the merciful night of oblivion.

THE FIRST LAW REGULATING LAND GRANTS IN FRENCH COLONIAL LOUISIANA

Introduction by the Editor of the Quarterly

The Edict of 1716 was the first legislation enacted in France to regulate Grants of land in Louisiana. Our study of Bienville's Land Grants on the Mississippi in 1719 indicates that this was the Edict invoked in 1728 to annul those Grants and to restore the land to the public domain. (See La. Hist. Qy., X, 1927, particularly pp. 161-184, April, 1927 and pp. 364-380, July, 1927).—H. P. D.

THE EDICT OF LOUIS XV OF OCTOBER 12, 1716,

relating to grants of land in the Colony and in Dauphine Island and regulating future land grants in Louisiana.

Translated by Henry P. Dart from the text in the "Calendar of Documents French Mss., Mississippi Valley, 1679-1769," printed in Publications of Louisiana Historical Society, Vol. IV, pp. 31-34 (1908).

(Words in parenthesis in the translation of both documents are the translator's alternative readings of the word or sentence translated or are inserted to complete the evident meaning of the sententious original).

I.

THE EDICT OF OCT. 12, 1716

THE KING having been informed that there has been given by the Government or Commandant and Commissaire Ordonnateur of Louisiana to the inhabitants ("habitans") of said country concessions of a very great quantity of land which they cannot cultivate (or *make* the *most of*) and that they have demanded the extensive grants only with the design (intent) to sell a part, or to make profit from the timber which is on it without cultivating the land; that this is entirely contrary to the establishment of the Colony (or of the purpose for which the Colony was established) and prevents the people from settling on the same and His Majesty desires this abuse to cease,

leaving however, to the Concessioner not only land for buildings, cultivation and planting, but even more than sufficient (for these purposes).

And His Majesty being in his Council and advised by Monseigneur the Duke of Orleans Regent, has ordered and orders that the inhabitants of Louisiana shall enjoy (possess) under the Concessions heretofore accorded to them such land as they have improved, cultivated and planted and even more than sufficient, and in addition, such quantity of land adjoining their said land as shall be judged convenient, proper or right by Sieurs de L'epinay and Hubert, Governor and Commissaire Ordonnateur at La Louisiane to whom we attribute authority jurisdiction and knowledge. Under this order they shall mention the land left with the inhabitants, and that the land reunited (to the public domain) shall be conceded by said L'epinay and Hubert to other inhabitants in the proportion of two to four arpents front by forty to sixty in depth.

His Majesty orders that a report shall be made on the lands conceded in the Island of Dauphine where they can make only gardens so that those who have obtained these concessions shall possess only those lands which they have improved, cultivated and planted making of all, convenient portions of land to make gardens and the rest shall be reunited to His domain. So that in the future there shall be conceded there, only lands for buildings and to make gardens, and that the whole thus reunited be conceded anew, in the same form that has been established for other land in the Colony, permitting to said Sieurs Lepinay and Hubert to augment or diminish the Concessions they shall give having regard to the quality of the land and the use to which it can be put. Of which Concessions they shall send every year copies to His Majesty so that upon these there may be sent the necessary Letters of Confirmation.

Done by the Council of State of the King his Majesty held at Paris Oct. 12, 1716.

Signed Phelepeaux & sealed with the yellow seal.

II.

Copy of the Form for Concessions

(Annexed to Edict of October 12, 1716)

We Governor of the Province of Louisiana and Councillor of the King Commissaire Ordonnateur of the said Country

Upon the demand made on us by.....to grant him the Concession .....situated.....of..... width (or front), by.....length (or depth), bounded by.....

In virtue of the power given us by His Majesty we have by these presents granted and do hereby grant and concede and do hereby concede to said.....the land above described, to him his heirs and assigns to have and enjoy fully and undisturbed in full ownership, & to manage and to dispose of as he desires and as a thing belonging to him, upon condition (however) that he shall cause himself to be put in possession of said land in the presence of those who adjoin the same, or of the nearest neighbors of the same, well and duly notified (for that purpose) and (also) that this instrument (Concession) or a Copy of the same duly collated shall be reported to His Majesty within the course of two years from the date hereof to be by him confirmed, otherwise and on failure so to do we will declare it to be null and of no value and (also) that the said.....will place the said land under improvement ("en valuer") and report (this fact) within and not later than two consecutive years following the date of so doing, in default whereof the said land shall be reunited to the domain of His Majesty and disposed of as though the present concession had not been made and (also under the condition) that he shall pay, discharge and perform all Seigneural rights and duties if any (such) shall be established hereafter in said country of Louisiana and (also) that he will not be permitted to sell any part of said land until he shall have first cultivated two thirds of the same, under penalty of restitution of the money he receives and a fine of Five hundred livres payable to the Hospital of said country.

We reserve forever for His Majesty the permission and power, to take from said land all and any timber which may be needed for the construction of his forts, magazines or other works that he has ordered or may order to be constructed in the future for his own service, and for repairing and docking his vessels at any time and in whatever quantity he may need (as well as) the land necessary for the fortifications.

In faith whereof we have signed these presents which shall be registered in the Clerk's office (greffe) of the Superior Council of said country within two months of this day.

Done at Paris March 12, 1716. Signed Louis

Signed Phelepeaux

THE ADVENTURES OF DENIS BRAUD, THE FIRST PRINTER OF LOUISIANA, 1764-1773

By Henry P. Dart

THE name of Denis Braud holds a small but permanent place in the annals of Colonial Louisiana. It appears for the first time in a letter written in New Orleans in 1764 to the Minister in France by Jean Jacques Blaise D'Abbadie, Director General of Louisiana. The latter was appointed March 16, 1763, and reached New Orleans June 29, 1763.[1] His Instructions from the Minister covered the evacution of that part of Louisiana that had been ceded to England under the Treaty of 1762-3, but made no mention of the secret cession to Spain which had been signed November 3, 1762, more than four months before the appointment of D'Abbadie. On the contrary, all the implications of the Instructions indicated French retention of New Orleans and the rest of Louisiana west of the Mississippi. D'Abbadie's letter from Louisiana, in 1764, indicates he was still ignorant of the secret Spanish Cession, for he there asks for a monopoly to Denis Braud of printing, keeping and selling books in Louisiana.

> "The Sieur Braud, merchant in New Orleans proposed a long time ago to establish a printing press here at his cost. He has erected a press and having no type engraved a plate which was of great use in printing the Letters of Change (bills, notes or drafts) of the Treasury. He is expecting every day to receive from France type and other things needed for the establishment he proposes to form and which would be of great service to the King and to the advantage of the Colony.
>
> "The Sieur Braud prays Monsigneur that you grant him the exclusive privilege of printing, keeping and selling books in the Colony. His intelligence and his zeal, merit the granting of this right that I have the honor of asking you for him."[2]

That the privilege was granted sufficiently appears from the earliest imprint of Braud's press now surviving in Louisiana.

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[1] Gayarre, *Historie de la Louisiane*, II, 106.

[2] Translated by the writer of this paper from the text in Gayarre, *Histoire de la Louisiane*, II, 121-2, who adds that the privilege was granted and that it was the last monopoly conceded in Louisiana by the Government of France. Gayarre does not give the day and month of this communication of D'Abbadie and our research has failed to disclose the survival of this document in the printed indices to the archives of Louisiana in France.

This is a sheet or hand-bill and it is entitled "Extrait de la Lettre du Roi, a M. Dabbadie Commandant pour Sa Majestie, a La Louisianne" and it is a beautiful specimen of the printer's skill. At the bottom of the text a line is drawn and under this appears:

"De l'Imprimerie de Denis Braud, Imprimeur du Roi." Beneath the whole is a certificate in the handwriting of Garic, Clerk of the Superior Council of Louisiana, reading as follows:

> "Enregistre es Registry du Greffe Du Conseil Superieur de La province de La Louisianne par nous Greffier en Chef sousigne f° 63 et f° 64 a La N^velle^ Orleans, Le 16 7bre 1764.
>
> Garic
>
> Greffier"[3]

Braud did not date this sheet, but the date of the registry by Garic fixes it as in September, 1764. Besides this, D'Abbadie made the following entry in his diary under date September 9, 1764:

> *"The 9.* By the departure of the ship l'Angelique, Captain Gariele going to the Cape, I rendered my account to the Minister of all that has transpired here with the English and sent my correspondence. The same day by the arrival at Belise on the ship 'Médér' from the Cape. I received the paquets of the Minister containing the orders for the cession of this Colony to the Spaniards."

On September 30, 1764, D'Abbadie wrote to the Minister:

> "I received on the 10th by way of Saint Domingo the dispatch with which you have honored me of the 21 April last to which is joined the Act of Cession to the King of Spain of all the part of Louisiana which remains to us and of the Island and the City of New Orleans. * * * I have had this letter registered in the Superior Council as His Majesty has ordered to the end that the different places in the Colony may be informed of it."[4]

The recent history of this printed sheet should be noted here. In about the year 1921, the late Gasper Cusachs brought it to the writer and we discussed the official certificate of Garic

[3]This printed sheet has been reproduced by Mr. McMurtrie as the frontispiece to *Early Printing in New Orleans, 1764-1810,* but he has excluded therefrom the Certificate of Clerk Garic. The copy produced in the Quarterly with this paper was taken from the original print. The text is put in type at pp. 383-4.

[4]Translated by the writer from the Diary and the Letter of D'Abbadie in De Villiers du Terrage, *Les Dernieres Annes de la Louisiane Francaise,* p. 194.

and agreed that it was undobtedly one of the original archives of the French Colonial Period. He said he had picked it up years before in an old shop in New Orleans and he had preserved it by pasting it carefully on the card back to which it is now attached. At the time of this talk the Historical Society had just begun the work (which is still in hand) of assorting and indexing the Archives of the Superior Council of Louisiana, the only local French Colonial Archives of which we had any knowledge.

Mr. Cusachs was much interested in this work and discussed with me the probability of finding in our collection other documents of like nature. He left the document with me for such use as I would judge proper in the public interest. Our work in the Archives developed many documents bearing a like endorsement of Garic, but none of the same tenor My study of this old print impressed the idea it had more than ordinary value because it seemed to differ from the version of the King's letter given by Gayarre.[5] I began therefore to prepare a paper on D'Abbadie for the Quarterly in which this Braud imprint was to be used and I had it photostated for that purpose. About two years before Mr. Cusachs died (October, 1929), he called on me one day and asked for the return of the original. I expressed surprise, but he said he had changed his mind and was going to keep it for himself. Later on I discovered he had sold it to Mr. Parsons.

Apparently nothing else has survived in Louisiana from Braud's press during the interim 1764-5, but in the shake up of the first Spanish days, 1765, Braud's printing press was used by the revolutionists to print the literature that roused the inhabitants to the revolt against Ulloa and when O'Reilly came in 1769, Braud was imprisoned and prosecuted for this "treason." He met the charge with the plea that he was the official printer of the Colony and by virtue of his position was obliged to print whatever Foucault, the Commissaire Ordonnateur sent to him and he produced the signature of that officer at the foot of the Mss copy which had been used by him in printing the memoir of the inhabitants, merchants and artisans of Louisiana. Braud's plea was maintained and he was released.[6] It is probable that Braud's press was confiscated and not returned before he escaped the

[5]Gayarre's *Histoire*, II, 122-4.

[6]Gayarre, *Ibid*, II, 317; McMurtrie, *Ibid.*, pp. 21-36, furnishes a colorful picture of Braud's experiences during this affair.

legal toils and it may be also that he was induced to transfer the same to some favorite of O'Reilly. Whatever the cause, his own occupation was gone but his types reappear without his name in subsequent publications of the Spanish era. That he was not without resources is evident, for he purchased the office of "Regidor and Receiver of Fines forfeited to the Treasury" and thus became a member of the first Cabildo, the new form of government established by O'Reilly. The Spanish scribes promptly changed his name to Dionisio and Gayarre has preserved the French printer in this disguise, substituting a *Y* for the first *I* in Dionisio. He says:

> "The Cabildo was inaugurated and begun its sessions December 1, (1769), under the presidency of O'Reilly. It was composed of Francisco Maria Reggio, Pedro Francisco Olivier de Vezin, Carlos Juan Bautista Fleuriau, Antonio Bienvenu, Jose Ducros and *Dyonisio* Braud."[7]

In the full dignity of an official, holding the Commission of the King of Spain, Braud passes out of the news from December 1, 1769, to the month of November, 1773, when Governor Unzaga appeared before Andres Almonester y Roxas, Notary of the Royal Treasury, to give official cognizance to a public rumor that Braud had "slipped away from the Province in a foreign boat," without waiting for the consent of His Majesty on a petition that he had presented to be permitted to go to Spain.

The Governor ordered an investigation of this "rumor" and on the same day and the next witnesses were brought in who confirmed the shocking news. Thereupon His Lordship, the Governor, on the advice of Doctor Odoardo his assessor general, rendered judgment declaring the office of Regidor of Fines vacant and forfeited to the Royal Treasury and he further ordered that the fugitive be prosecuted for his "crime," and in the interim that a writ of imprisonment be issued with a seizure and sequestration of the property of the absentee.

The testimony adduced before the Governor was brief and given by men who seem to have been able to express tersely the single fact of which they had cognizance, though possibly this praise should run in favor of the escribano of the Treasury who was none other than Don Andres Almonester y Roxas, a famous

[7]Gayarre, *Ibid.*, II, 366. All of these people were French Louisianians and their names figure in the Archives of the Superior Council, preceding the Cession.

figure in our Spanish Colonial Era. The most interesting deposition is that of Joseph Ducros, Regidor Perpetuo of the Cabildo, now forgotten by history, but then a more prominent figure than Almonester. He was able to speak with full knowledge because the fugitive Receiver of Fines had written his fellow Regidor (the witness) a letter from La Rochelle (in France) on July 3rd, just four months and twenty-one days before the Inquiry in which he gave an ingenious explanation of his failure to return to Louisiana. Braud as reported by Ducros says in substance that:

> the ship in which he sailed for the Kingdom of France was badly ballasted and this caused him such fright he took a great aversion to navigation, and he made a resolution not to expose himself to a like danger considering that he is mortal and has to give an account to God for tempting the Providence Who presides over inhabited places.
>
> He further charged his friend Ducros that if the office of Regidor that His Majesty had the grace to bestow on him, had been confirmed by the King Our Lord that he desired it to be transferred to his wife because he wishes to conserve this honorable title considering that the grace conceded by the Prince must always be respected.

This explanation of his absence did not sit well on the judicial stomach of the Governor, who, as we have seen, promptly declared the office vacant, and forfeited to the Treasury. We can imagine also how the Governor chortled at the idea that a fugitive Regidor could pass on to his wife the honor, dignity and emolument of his office, as if a woman in those days would be allowed to participate in the deliberations of that august Tribunal, the Cabildo of New Orleans. Besides how peurile it seemed to the Governor who had spent his years in sea voyages that this fugitive should feel so strongly his duty to God not to peril his body again to return to his duty in Louisiana. The Governor knew full well that Braud also knew that it was not the fear of God, but the fear of the calabooza of New Orleans that kept the fugitive in France.

We think that beneath the flight to France and the refusal to return, there lay a much more potent fear. It is evident that Braud was not happy in New Orleans. He had taken a powerful part in the insurrection of 1768. His printing press had spread far and wide the proclamations and the proceedings of the In-

surgents. He had escaped on a technicality the verdict of guilty that brought death to Lafreniere and the other leaders. He had heard the excoriating condemnation of his printed matter, and he had seen the precious product of his press publicly burned. He had abandoned his compatriots in their misery and had publicly avowed his abhorrence of their principles. He had bought his way into the office of Regidor and Receiver of Fines at the public auction of the offices of the New Government held by O'Reilly in the month of November, 1769. The office acquired by him was not the most important in the Cabildo and moreover it brought his fingers into touch with the silver of the local unfortunates who thereafter fell athwart all penal judgments of O'Reilly, Unzaga, the Alcaldes and the petty peace officials of the local government.

It is difficult to believe that Braud's standing with the French population was not affected by this course. It is equally certain the Spanish Rulers could not regard him with the respect they had for their own party. In short, Braud lost the confidence of his own race and did not acquire that of his new allies. Four years had elapsed, and the King had not yet confirmed him in his office. At the end of five years from 1769, if not confirmed Braud would be down and out, a man without a country. We do not know what other motives lay behind his flight, but we have found enough to know he felt himself under observation and that perhaps he lived in dread of a blow which might fall suddenly upon his career and his life. He solved his troubles by "slipping away" and if he had a sense of humor we can imagine how he enjoyed writing that letter in July, 1773, in the safety of France sagely assuring Ducros that his duty was to keep his mortal body under the scrutiny of that "Providence Who presides over inhabited places."

The record is silent about his wife whom he recommended to the tender mercy of the local government. It does not even show that she was in New Orleans at the time of the Inquiry, unless we may imply her presence from the ambiguous language of Nicolas Fromentin, deputy sheriff, who in his return on the writ of seizure says he "went to the house where Dona Juana Lemelle, lawful wife of Dionisio Braud makes her domicile," but the official writ for the seizure of Braud's property caught nothing, "because nothing was found." From that time to this, Braud, his wife and his affairs disappear from the pen of the historian. But his flight, and the resulting loss of his office, re-

quired judicial and administrative action, and this action raised some very pretty and knotty legal problems as we shall presently see.

The decree of Unzaga rendered on January 13, 1774, not only declared Braud's office vacant but directed the prosecution of the "crime" committed by him in vacating the office without the consent of the King. In accordance with Spanish colonial legal practice this prosecution was a separate suit begun on the 15th of that month in which Martin Navarro, Treasurer Contador ad interim having the functions of Fiscal of the Royal Treasury applied to the Governor for the sale of the vacated office to the highest bidder and its product entered in the Royal Coffers. This interesting procedure was carried forward at top speed, but nevertheless it was done with all the formalities, certificates and notices that marked that legal system and was so dear to the officials participating in it. Every signature meant a fee and the documents bristle with signatures. The value of the office was appraised at 1200 pesos and in due course this sale was announced by the "voice of the public crier of this city" saying that he who might wish could bid and after three calls, to-wit: On January 18th, 28th and February 7th, Santiago Beauregard offered 1200 pesos. The fourth call was made on February 17th when Daniel Fagot raised Beauregard's bid two pesos and the prize was adjudicated to him for 1202 pesos. The document covering this first judicial sale of the office of Regidor in Louisiana should be preserved here for the benefit of those who do not care to follow the full record so admirably translated by Miss Porteous and printed with this paper:

> "In the city of New Orleans on the seventeenth of February of one thousand seven hundred and seventy four: Messrs. Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies, Intendant Inspector and Governor General of this Province for His Majesty and Don Martin Navarro, Treasurer of the Royal Treasury and acting Contador of it and having the functions of Fiscal there, standing in the Houses of the Administration of this city to effect and accomplish the last call and sale of the office of Regidor of fines forfeited to the Treasury that Don Dionisio Braud obtained and is vacant in favor of His Majesty because he absented himself and abandoned it; His Lordship ordered it to be published and (this was done) actually before me, the Escribano, by means of the public crier of this city.

"The bid made by Santiago Beauregard was called, by saying one thousand two hundred pesos is offered for the office of Regidor of fines forfeited to the Treasury made vacant because Don Dionisio Braud abandoned it which must be sold as belonging to His Majesty. Whoever would like to raise the bid, let him appear as the sale must be made by twelve o'clock of this day to whoever will make a higher bid; and many persons being present, Don Daniel Fagot presented himself and raised the bid already made by two pesos to be paid in cash. This bid was admitted and ordered cried and having repeated it several times, His Lordship ordered the call hastened so as to complete the sale as the bell had rung the hour fixed.

"He repeated the call saying that the sale must be completed that has to be effected at this hour to the person who would give the most. Then is there no one who will pay more nor give more than the one thousand two hundred and two pesos cash for the said office of Regidor of fines forfeited to the Treasury, perpetual, salable and transferable with the concessions of its creation, once, twice, three times, that it is good and valid, that is good, that is good, that is good for the one who made it for what he has placed; with this the sale was effected to Don Daniel Fagot who obligated himself in due form to comply with the conditions stipulated and he signed with His Lordship and the said Contador ad interim to which I certify.

(Signed) Unzaga (Signed) Navarro
(Signed) Daniel Fagot La Garciniere
Before me Andres Almonester
y Roxas Notary of the Royal Treasury."

Mr. Fagot paid the price to Navarro in two sums, viz: 378 reales, 8 maravedis in hard silver for the half annats and the 18% of the transfer to Spain and 9616 reales in hard silver for the Royal Treasury.

This sale closed the first chapter opened by the flight of Braud. The Spanish authorities had gotten rid of a half trusted associate, the officials of the local government had received sundry fees of office in hard silver earned on the judicial road to the sale of the vacated office and Daniel Fagot whose name was not hitherto mentioned in history had stepped into the sacred precincts of the Cabildo to be afterwards enrolled among those lucky transmitters of honorable titles to their posterity.[8] But Mr.

[8]The sale (and purchase) of offices was an ancient principle in Spain and France utilized to supply funds to the Exchequer. Such offices were classified as *venal*, to distinguish them from those acquired through military service or by other methods, such as by the gift of the King, elections where that was permitted, *et cetera*.

Fagot did not long enjoy the honors of his new position, and in April, 1776, he transmitted the office by a renunciation to Don Christoval de Glapion and shortly thereafter departed this life. De Glapion applied to Governor Unzaga for the confirmation of this renunciation and for the issuance of title to him in due form. This opened a new chapter in which the ghost of Braud once more troubled the officials, as well as the new aspirant for his vacated office.

The law governing the subject matter was prescribed by Gov. O'Reilly in his famous ordinance of 1769, creating the Cabildo and regulating the offices of the same. This was a compilation of similar provisions of the Recopilacion de las Indies, a collection of rules and regulations issued by Spain for the administration of her colonies. Sec. 1, Arts. 22 to 24 of the Ordinance provide:[9]

> "22. The offices of regidor and escribano of the cabildo may be sold; those officers shall also be allowed to assign them in the manner prescribed by the laws of this kingdom. In acknowledgment of this favor, and in consideration of the value that these offices will acquire by the facility of assigning them, by which they will be effectively transferred from one person to another, there shall be paid into the royal treasury, for the first assignment, one-half the sum at which the said offices may be rated, and one-third of the same for every subsequent assignment thereof, exclusive of the royal custom of half annats, (receivable without any deduction in Spain); which custom shall also be paid by the ordinary alcaldes who may be yearly elected to those offices.
>
> "23. To render these assignments valid, the assignor should survive the same the term of twenty days, computing from the date thereof; and the assignee should present himself to the Governor within seventy days from the date of the same, provided with an authentic act substantiating the said assignment, as likewise the above-mentioned twenty days that the assignor shall have survived the same. Should neither of these precautions be taken, the assignor shall forfeit the said office, which shall be deemed vacant to the profit of the King's demesne; and neither he nor his heirs can lay claim to any portion of the price at which the same may have been sold.

[9] A French copy of this will be found as an appendix to Gayarre, *Histoire de la Louisiane*, II, p. 58. Several English translations are accessible, but I have used the one made by Gustavus Schmidt and printed in *The Louisiana Law Journal*, August, 1841, Vol. I, No. 2, p. 9.

> "24. The said assignments shall not be valid, unless made in favor of persons known to be capable, of the age of twenty-six years, and possessing the capacity and talents necessary to the common good of the republic, and worthy of the cabildo, on account of the injury which would result therefrom should those officers be deficient in these qualifications. The said assignments shall be carefully executed and preserved by a public notary of the place at which they may be made."

It appears from the documents printed herewith that on March 15, 1776, Daniel Fagot de la Garciniere appeared before Escribano Andres Almonester y Roxas and declared that,

> "Using the facilities conceded by Royal Cedula that treats of salable and transferable offices in this Kingdom he renounces the one he obtained in ownership from the hands of the King Our Lord whom God protect so that this office being vacant it may be conferred on Don Christoval de Glapion a person in whom centers the parts and qualities necessary to maintain it, and if His Majesty does not deign this he does not renounce it, but retains it himself to use it as he has hitherto done."

Don Christoval de Glapion on May 4, 1776, presented this document to Governor Unzaga with a humble prayer that "it may please Your Lordship to order issued to me the corresponding title so as to enter into the use and exercise of it." His Lordship promptly ordered the "Contador of the Royal Treasury" to be notified of this request and Don Martin Navarro "Contador Principal of this Army and Province acting as Fiscal," immediately responded with the disturbing demand that Don Fagot produce proof that twenty days have elapsed since the death of the renouncer, and in the meantime let them proceed to the estimation and valuation of said office in the accustomed form so in consequence, to be able to exact the fees and part that belongs to the Royal Treasury.

Governor Unzaga ordered the proof of death to be presented and this done "let the case proceed."

The certificate of death signed by F. Dagobert, Parish Priest shows that "Don Daniel Fagot de la Garciniere, native of Dauphinais, aged forty-five years, officer on half pay, now Regidor of this City" died on April 1, 1776, making it evident the deceased Regidor executed his renunciation in his last illness sixteen days before he died, and that more than twenty days had elapsed be-

tween his death and application of Glapion for confirmation of the Renunciation. Thereupon, Gov. Unzaga entered an order for the appraisement of the office by "Don Francisco Maria de Reggio and Don Joseph Ducros, the first Alferez Real and the Second General Receiver of the Cabildo," who in due course appraised the same at the value of 1200 pesos. With continuing celerity Unzaga ordered that upon proof that Don Christoval de Glapion has "exhibited" to the Royal Treasury the fees and part that belongs to His Majesty for the office of Regidor and Receiver of Fines forfeited to the Royal Treasury of this City,

> "Let the corresponding title be issued in all due form, with this he will present himself to this Illustrious Cabildo so as to take the accustomed oath.
>
> "Let him be given a full certified copy of these proceedings so that within five years counted from this day he must make evident the Royal Confirmation of the said title on the understanding that the said time having passed (the recipient not receiving Royal sanction) the said office will be declared as vacant in favor of the Royal Treasury in Conformity to the disposition of the laws."

The stage was now all set and one would suppose the rest of the play would end with everybody happy, but Don Glapion could not satisfy Don Martin Navarro, Contador and watch-dog of the Treasury, and he returned to the Governor with a petition saying that he had exhibited to the Contador 400 pesos, together with the fees for the half annats and for the conveyance to Spain, but the Contador contended he should pay more than this, to-wit, the *one-half the value at which the office was appraised.* He avers that the Contador based this contention on the proposition that Fagot's "renunciation" of the office was the first renunciation in contemplation of law, whereas Don Glapion contended that Don Dioniosio Braud was the first renouncer. To which plea Navarro replied (with the epigramatic brevity of the officials in such cases) *that a second renunciation could not be given without the first having been understood as such.* The inference of the Contador's plea being clear that Don Dioniosio Braud had not "renounced" because he had slipped away and left the place vacant, which had thereupon been judicially forfeited to the King. In consequence Don Daniel Fagot's purchase was direct from the King and his "renunciation" was the first in line thereafter and subject under the law to a levy against the beneficiary of one-

half the appraised value of the office. Governor Unzaga followed this line of reasoning and ordered Don Christoval to deposit one-half the value aforesaid in the Royal Treasury, which payment he made in the month of October, 1776, in two parts, namely, 4800 silver reales for one-half the value of the appraisement of the office and 377 reales and two and 3/5s marevidi in silver for the half annats and expenses of transmission to Spain.

This payment put into operation Governor Unzaga's decree recognizing the renunciation of Fagot and we may visualize Don Christoval's triumphant entry into the sacred precincts of the "Illustrious Cabildo" where he was solemnly sworn to perform all and singular, etc., the duties of his office and his duty to the King "whom God protect."[10] Having spent nearly six months in the pursuit of that honor (May 4-October 18th) let us trust that thereafter he continued to enjoy the dignity and emoluments of his office udisturbed by the ghost of Denis Braud.

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[10]The oath in full (of all public officers) is given by Gayarre, *History of Louisiana*, III, p. 7:

"I.....appointed (here followed the designation of the office) swear before God on the holy cross and evangelists to maintain and defend the mystery of the immaculate conception of Our Lady the Virgin Mary and the royal jurisdiction to which I appertain in virtue of my office. I swear also to obey the royal ordinances and decrees of his Majesty, to fulfill faithfully the duties of my office, to decide in conformity with law in all the affairs which shall be submitted to my tribunal; and the better to accomplish this end I promise to consult persons learned in the law on every occasion which may present itself in this town: and finally I swear never to exact other fees than those fixed by the tariff and never to take any from the poor."

NOTE: Since this paper was prepared we have found in the records of the Superior Council many documents establishing the statement of D'Abbadie that Denis Braud was a merchant in New Orleans. He was a resident and a property owner for years before D'Abbadie's arrival.—Ed. La. Hist. Qy.

DOCUMENTS COVERING THE PROSECUTION OF DENIS BRAUD, REGIDOR OF THE CABILDO FOR THE CRIME OF RUNNING AWAY FROM LOUISIANA

Translated from the originals in the
Cabildo at New Orleans
by
LAURA L. PORTEOUS

Marginal notes by Henry P. Dart

NOTE BY THE EDITOR OF THE QUARTERLY

The discovery of the documents here translated is in a minor way quite an important event. They give in sequence the judicial actions set in motion by the flight of Braud in the summer of 1773. It is evident that the Court of the Governor must have been the center of news for quite a while thereafter and we can imagine the public interest in the matter, but the whole incident was lost during the long seclusion of the Spanish Judicial Archives of Louisiana.

The documents tell a very human story and we commend them to our readers for this reason, and also because they add another link to our chain of knowledge of how they did things of this sort in New Orleans more than one hundred and sixty-seven years ago.

I.

Year J(esus) M(ary) J(oseph) 1773. Official prosecution of Dionisio Braud, Regidor, for absenting himself after making application for the office of Regidor.

No. 12.

UNZAGA orders an inquiry into the truth of the rumor that Dionisio Braud has "slipped away."

IN the city of New Orleans on the twenty-third of November of one thousand seven hundred and seventy three: *Señor Don Luis de Unzaga y Amesaga,* Brigadier of the Royal Armies, Intendant Inspector and Governor General of this Province for His Majesty, said: that having learned by public rumor that Regidor Don Dionisio Braud is now in the Kingdom of France having slipped away from this Province in a foreign boat without waiting for the

results of the permit that he petitioned from His Majesty through His Lordship to go to Spain with honest intentions as he proposed and as this is a fraudulent act it makes him unworthy to obtain any grace and requires the revocation of the office of Regidor receiver of fines forfeited to the Treasury that was assigned to him together with the payment of the costs of Justice; His Lordship ordered that information be given about him and that witnesses be made to appear who may have received any news of him and done send to my Auditor of War and Assessor General so that I may consult him for the decree that corresponds; and for this His Lordship provided, thus he ordered and signed to which I certify.

(Signed) Unzaga.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

DUFORET testifies that he has heard it said that Braud is in La Rochelle and that he left New Orleans May last.

In the city of New Orleans on the same day, month and year: Before His Lordship appeared, *Don Juan Joseph Duforet*, resident of this city from whom before me, the escribano, oath was received that he made by God and the Cross according to law under charge of which he promised to speak the truth and examined upon the tenor of the foregoing decree he said that he had heard said through public rumor that Don Dionisio Braud, about whom he is questioned is now in La Rochelle, that he has heard it said that he had left this Province in a foreign boat in the month of May of this year, since this time he is missing from this city. He does not know positively in what boat he could have left but he infers it to have been a foreign one as there has been no Spanish ship on which he could have made the voyage to France and he answered that this is the truth under charge of his oath, that he is aged thirty-nine years and he signed with His Lordship to which I certify.

(Signed) Jn Jh Duforest.

(Signed) Unzaga.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

BOISDORE says that Braud has written to various persons in this city, from La Rochelle. Thinks he might have gone by some English boat or by some bayou.

Immediately there appeared before His Lordship, *Don Luis Boisdoré*, resident of this city from whom before me, the escribano, oath was received that he made by God and the Cross according to law under charge of which he promised to speak the truth and examined upon the tenor of the foregoing decree he said that he knows Don Dionisio Braud about whom he is questioned and that he has not seen him since the month of May of this year and that afterwards he was informed that he had gone to the Kingdom of

France through letters that Braud has written to various persons in this city and among them to Don Joseph Ducros, dated in the city of La Rochelle and that he does not know in what boat he could have left, but thinks it might be in some English one, or by some bayou and he answered that what he has declared is the truth under charge of his oath, that he is aged forty-two years and he signed with His Lordship to which I certify.

(Signed) L. Boisdoré.

(Signed) Unzaga.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

MALLINES testifies to the same effect.

Immediately there appeared before His Lordship, *Don Salomon Mallines,* resident of this city from whom before me, the escribano, oath was received that he made by God and the Cross according to law under charge of which he promised to speak the truth and examined on the tenor of the foregoing decree, he said that he knows Don Dionisio Braud, about whom he is questioned and that he has not seen him since the month of May of this year and that afterwards he learned that he had gone to the Kingdom of France through letters that this same Braud has written to various persons in this city. He does not know in what boat he could have left, but thinks that it might have been an English one, or by some bayou and he answered that this is the truth under charge of his oath, that he is aged forty-two years and he signed with His Lordship to which I certify.

(Signed) Unzaga. (Signed) Salomon Mallines.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

DUCROS, Regidor Perpetuo of the Cabildo, says Braud wrote on July 3rd from La Rochelle that he had been greatly frightened on his sea trip and he does not wish to tempt Providence by returning to Louisiana.

In the city of New Orleans on the twenty-fourth of November of one thousand seven hundred and seventy three, before His Lordship Señor Don Louis de Unzaga y Amesaga, Governor General of this Province appeared *Don Joseph Ducros,* Regidor Perpetuo of the Cabildo of this city from whom before me, the escribano, oath was received that he made by God and the Cross according to law under charge of which he offered to speak the truth and examined on the tenor of the decree that heads the process: He said that it is true that Don Dionisio Braud wrote a letter dated in La Rochelle on the third of July of the present year and that he said because the ship in which he sailed for the Kingdom of France was badly ballasted it caused him such great fright that he took a great aversion to navigation and made a resolution not to expose himself to a like danger considering that he is mortal and the

account that he had to give to God, for this he does not wish to tempt Providence Who presides over inhabited places. He charges him that if the office of Regidor that His Majesty has had the grace to bestow on him has been confirmed by the King, Our Lord, to transfer it in the best form that can be done to his wife because he wishes to conserve this title honorably, considering that the grace conceded by the Prince must always be respected, that this is what he knows and can say about the affair and that he does not know in what ship he sailed for the said Kingdom of France and that this is the truth under charge of his oath and that he is aged fifty-one years and he signed with His Lordship to which I certify.

(Signed) Unzaga. (Signed) Joseph Ducros.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Judgment vacating Braud's office.

Whereas: With the merit that results from the foregoing information His Lordship said he must declare and did declare as vacant and at the favor of His Majesty the office of Regidor of fines forfeited to the Royal Treasury that Don Dionisio Braud obtained, these proceedings will be prosecuted in a separate folio and by virtue of the crime that results against him and his absence proven, he ordered issued a writ of imprisonment and seizure and sequester of his property summoning him according to the terms of the law and done let the Contador be notified of it.

(Signed) Unzaga. (Signed) Doctor Odoardo.

Almonester certifies to the above.

The foregoing decree was rendered by Señor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province for His Majesty who signed it with His Assessor General the thirteenth of January of one thousand seven hundred and seventy four.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

I certify that the writ of imprisonment has been issued and delivered to the deputy sheriff as it was ordered.

Almonester's paraph.

Note:

I certify that the proclamation was issued, published and affixed in the accustomed place in conformity to the order in the foregoing decree.

Almonester.

Communication.

I certify that on the same day I informed Senor Don Martin Navarro, Contador ad interim of the Royal Treasury of the foregoing decree.

Almonester.

Order to arrest Braud and to seize his property.

Let any minister of Justice apprehend the person of Don Dionisio Braud and put him in the public prison of this city in charge of its warden; let his property be embargoed and sequestered placing it in the public depository in conformity to law and custom of this Audiencia, this by decree that is rendered on this day on the advice of my Assessor General in the proceedings officially prosecuted against the said Braud. Thus I have ordered. New Orleans, January thirteenth of one thousand seven hundred and seventy four.

(Signed) Unzaga.

By Order of His Lordship.
Andres Almonester
y Roxas, Notary of the Royal Treasury.

Sheriff returns Braud not found.

In the city of New Orleans on the fourteenth of January of one thousand seven hundred and seventy four: Before me the escribano and witnesses appeared Don Nicolas Fromentin, deputy sheriff and he returned the writ saying: That he had not been able to take the person of Don Dionisio Braud and make him a prisoner as it was ordered, and that he was informed that he is absent in the Kingdom of France. This he asked me to set down as a matter of record which he signed. The witnesses being Salomon Mallines, Miguel Saint Eloy and Don Estevan de Quiñones, here present.

(Signed) Nicolas Fromentin.
Andres Almonester
y Roxas, Notary of the Royal Treasury.

Sheriff returns no property found.

Immediately the said deputy sheriff, accompanied by the present escribano went to the house where Dona Juana Lemelle, lawful wife of Dionisio Braud makes her domicile so as to embargo his property, in conformity to the order contained in the foregoing decree, he did not take anything because nothing was found and in testimony whereof I set this down as a matter of record which the deputy sheriff signed to which I certify.

(Signed) Nicolas Fromentin.
Andres Almonester
y Roxas, Notary of the Royal Treasury.

II.

DOCUMENTS COVERING THE SALE AT AUCTION OF THE VACANT OFFICE OF REGIDOR OF FINES ABANDONED BY DENIS BRAUD.

Translated from the original in the Cabildo
at New Orleans
by
LAURA L. PORTEOUS

Marginal notes by Henry P. Dart

Year J(esus) M(ary) and J(oseph) 1774
Sale at auction of the office of Regidor of fines forfeited to the Treasury to fill the vacancy caused by the absence and abandonment of the office by Dionisio Braud.
Judge — The Governor.
Escribano — Almonester.

THE Treasurer Contador ad interim, having the functions of Fiscal of the Royal Treasury in the proceedings brought by the reason of the clandestine voyage and abandonment by Don Dionisio Braud of the office of Regidor and receiver of fines forfeited to the Treasury. He said that Your Lordship will dispose of it by sale in favor of His Majesty and that it must be called as stipulated by law, to be sold to the highest bidder and its product entered in the Royal Coffers. With this the fiscal concluded, petitioning justice. New Orleans the fifteenth of January of one thousand seven hundred and seventy four. Moreover: The Fiscal names for the appraisement of the office, Don Francisco Maria Reggio and Don Nicolas Forstall, Regidors of the Cabildo of this city. New Orleans dated as above.

Martin Navarro, Treasurer Contador ad interim, petitions for an order to sell the vacant office of Regidor of Fines.

(Signed) Martin Navarro.

Governor Unzaga orders the sale.

Let the sale be called as stipulated by law, in the principal petition, and in the secondary one let the appraisers be appointed notifying the parties for their acceptation and oath and done proceed to the valuation which is requested, with citation for the Contador.

(Signed) Unzaga.

Certificate of Almonester to the foregoing decree.

The foregoing decree was rendered by Señor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province for His Majesty who signed it on the eighteenth of January of the year one thousand seven hundred and seventy four.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication of the same to the Contador.

I certify that on the same day I informed the acting Contador of the Royal Treasury in person of the foregoing decree.

Almonester,
Notary.

Acceptation and Oath of Forstall and de Reggio, appraisers.

In the city of New Orleans on the said day, month and year I notified Don Nicolas Forstall and Don Francisco Maria de Reggio, Regidors of the Cabildo of this city of their appointment as appraisers to make an estimate of the office of Regidor and receiver of fines forfeited to the Treasury made vacant by Don Dionisio Braud's absence. They swore by God Our Lord and a sign of the Cross in conformity to law, after having accepted it, to proceed well and faithfully to the said appraisement and they signed to which I certify.

(Signed) Francisco Maria de Reggio.
(Signed) Nicolas Forstall.
Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Appraisement of office of Regidor and Receiver of Fines at one thousand pesos.

In the city of New Orleans on the eighteenth day of the month of January of the year one thousand seven hundred and seventy four, standing in the Royal Contaduria, in the presence of Señor Don Martin Navarro, Treasurer of the Royal Treasury and Contador ad interim of it, Don Nicolas Forstall and Don Francisco Maria de Reggio in virtue of the appointment that they had accepted and sworn to, proceeded to make a valuation and estimation of the office of Regidor and receiver of fines forfeited to the Treasury made vacant by the absence of Don Dionisio Braud and after having conferred upon the affair for a long time, of one accord and in conformity they estimated it at one thousand pesos and they signed with the said Contador to which I certify.

(Signed) Martin Navarro.
(Signed) Nicolas Forstall.
(Signed) Francisco Maria de Reggio.
Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

1st call for the sale. In the city of New Orleans on the eighteenth day of the month of January of the year one thousand seven hundred and seventy four: I, the escribano, by voice of the public crier of this city proclaimed the sale of the office of Regidor of fines forfeited to the Treasury that Don Dionisio Braud obtained as now vacant in favor of His Majesty, saying: This is its first call and that he who might wish to make a bid, should appear and that whatever he would offer would be admitted and although there were persons present no bidder appeared and in testimony whereof I set this down as a matter of record to which I certify.

Almonester,
Notary.

2nd call for the sale. In the city of New Orleans on the twenty eighth day of the month of January of the year one thousand seven hundred and seventy four: I, the escribano, by voice of the public crier of this city made the second call for the sale of the office of Regidor of fines forfeited to the Treasury that Don Dionisio Braud obtained as now vacant in favor of His Majesty saying, who would wish to make a bid, let him appear and whatever he will offer will be admitted and although there were many persons present, no bidder appeared and in testimony whereof I set this down as a matter of record to which I certify.

Almonester,
Notary.

3rd call for the sale. Santiago Beauregard bids 1200 pesos. In the city of New Orleans on the seventh of February of the year one thousand seven hundred and seventy four, I, the escribano, by voice of the public crier of this city made the third call of the office of Regidor of fines forfeited to the Treasury that Don Dionisio Braud obtained as now vacant in favor of His Majesty, saying who would wish to make a bid let him appear and whatever he will offer will be admitted and many persons being present Don Santiago Beauregard, resident of this city appeared and he said that he made a bid on the foresaid office of Regidor of fines forfeited to the Treasury, for the sum of one thousand two hundred pesos that he will pay in cash, when the sale will be confirmed and he signed to which I certify.

(Signed) Jacques Toutant Beauregard.
Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

4th and last call. Unzaga orders that Beauregard's bid be received and that the last call be made tomorrow. Whereas: With the calls and bids made for the office of Regidor of fines forfeited to the Treasury that Don Dionisio Braud obtained now vacant by his absence in favor of His Majesty, let the bid that was made by Don Santiago Beauregard

be admitted and let them proceed to the last call and sale tomorrow the seventeenth of the current month in the Houses of the Administration and its proceeds will be put in the Royal Coffers with the intervention of the Royal Contaduria.

(Signed) Unzaga.

Certificate by Almonester of rendition of foregoing decree.

The foregoing decree was rendered by Senor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies Intendant Inspector and Governor General of this Province for His Majesty who signed it with his Assessor General on the sixteenth of February of one thousand seven hundred and seventy four.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication of said decree.

I certify that on the same day I informed Señor Don Martin Navarro, Contador ad interim of the Royal Treasury in person of the foregoing decree.

Almonester,
Notary.

Notification to Beauregard.

I certify that on the same day I notified Don Santiago Beauregard of the said decree.

Almonester,
Notary.

Final call and sale to Daniel Fagot for 1202 pesos.

In the city of New Orleans on the seventeenth of February of one thousand seven hundred and seventy four: Messrs Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies, Intendant Inspector and Governor General of this Province for His Majesty and Don Martin Navarro, Treasurer of the Royal Treasury and acting Contador of it and having the functions of Fiscal there, standing in the Houses of the Administration of this city to effect and accomplish the last call and sale of the office of Regidor of fines forfeited to the Treasury that Don Dionisio Braud obtained and is vacant in favor of His Majesty because he absented himself and abandoned it: His Lordship ordered it to be published and (this was done) actually before me, the escribano, by means of the public crier of this city.

The bid made by Santiago Beauregard was called, by saying one thousand two hundred pesos is offered for the office of Regidor of fines forfeited to the Treasury made vacant because Don Dionisio Braud abandoned it which must be sold as belonging to His Majesty, Whoever would like to raise the bid, let him appear as the sale must be made by twelve o'clock of this day to whoever will make a higher bid; and many

persons being present, Don Daniel Fagot presented himself and raised the bid already made by two pesos to be paid in cash. This bid was admitted and ordered cried and having repeated it several times. His Lordship ordered the call hastened so as to complete the sale as the bell had rung the hour fixed.

He repeated the call saying that the sale must be completed that has to be effected at this hour to the person who would give the most. Then is there no one who will pay more nor give more than the one thousand two hundred and two pesos cash for the said office of Regidor of fines forfeited to the Treasury, perpetual, salable and transferable with the concessions of its creation, once, twice, three times, that it is good and valid, that is good, that is good, that is good for the one who made it for what he has placed; with this the sale was effected to Don Daniel Fagot who obligated himself in due form to comply with the conditions stipulated and he signed with His Lordship and the said Contador ad interim to which I certify.

(Signed) Unzaga. (Signed) Navarro.

(Signed) Daniel Fagot La Garciniere.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Decree of Unzaga ordering title to be made by the Escribano to Daniel Fagot.

Whereas: Appearing by certification of the Ministers of the Royal Treasury that Don Daniel Fagot to whom was adjudicated the office of Regidor of fines forfeited to the Treasury, vacant in favor of His Majesty because it was abandoned by Don Dionisio Braud, had exhibited the one thousand two hundred and two pesos at which it was sold with the fees of the half annats and transfer to Spain, let the escribano of the government issue the corresponding title in due form, to this effect let these proceedings be sent to him. (Signed) Unzaga.

Certificate of Almonester to the foregoing.

The foregoing decree was rendered by Señor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province for His Majesty who signed it with his Assessor General on the eighteenth of February of one thousand seven hundred and seventy four.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication of said decree to Navarro.

I certify that on the same day I informed Señor Don Martin Navarro, Treasurer and Contador ad interim of the Royal Treasury of the foregoing decree.

Almonester,
Notary.

Notification to Daniel Fagot.

I certify that on the said day I notified Don Fagot.

Almonester,
Notary.

Receipt of Navarro for the charges on the purchase price paid by Fagot for the vacant office of Denis Braud.

Don Martin Navarro, Treasurer of this army and Province of Louisiana and Contador ad interim of it. Received from Don Daniel Fagot, resident of this city three hundred and seventy eight reales and eight maravedis in hard silver, (whereof) three hundred and twenty reales and eighteen maravedis is for the half annats of the office of Regidor that was sold and that Don Dionisio Braud used to occupy. (This) deducted from the nine thousand six hundred and sixteen reales of the original money for its value, increased the one-third part and the fifty-seven reales and twenty-four maravedis remaining for the eighteen per cent of the said half annats of its transfer to Spain; and the foresaid three hundred and seventy-eight reales and eight maravedis, in silver I take charge of correspondingly in favor of the Royal Treasury in virtue of this receipt of which a record has to be made of it by me in the Contaduria principal of this foresaid army and Province:

(Signed) Martin Navarro.

There are 378 reales, 8 maravedis in silver recorded.

(Signed) Martin Navarro.

Receipt of Navarro for the remainder of the purchase price paid by Fagot.

Don Martin Navarro, Treasurer of this Province of Louisiana and Contador ad interim of it. Received from Daniel Fagot nine thousand six hundred and sixteen reales in hard silver that he delivered to this Treasury for the value at which the office of Regidor was sold at auction, that Don Dionisio Braud used to occupy, declared vacant and in favor of His Majesty because of the abandonment and the clandestine voyage that he made to foreign dominions as appears from the proceedings put into execution for this end and according to the originals in the possession of the Escribano of War and the Royal Treasury, Don Andres Almonester y Roxas; and the foresaid nine thousand six hundred and sixteen silver reales, I take charge of correspondingly in favor of the abovesaid Royal Treasury on the strength of this receipt of which a record has been made by me in the Contaduria principal of this army and above mentioned Province. New Orleans the twenty-third of February of the year one thousand seven hundred and seventy four.

(Signed) Martin Navarro.

There are 9,616 silver reales recorded.

(Signed) Martin Navarro.

III.

DOCUMENTS COVERING THE RENUNCIATION BY DANIEL FAGOT OF THE OFFICE OF REGIDOR OF FINES, IN FAVOR OF DE GLAPION, AND THE PROCEEDINGS RESULTING THEREFROM.

Translated from the original in the Cabildo at New Orleans
by
LAURA L. PORTEOUS

Marginal notes by Henry P. Dart

Year 1776
Renunciation made by Daniel Fagot of his office of Regidor and receiver of fines forfeited to the Royal Treasury of this city to Don Christoval de Glapion.

No. 18.

IN the city of New Orleans on the fifteenth day of the month of March of the year one thousand seven hundred and seventy six: Before me the escribano and undersigned witnesses appeared Don Daniel Fagot de la Garciniere, resident of this city, receiver of fines forfeited to the Royal Treasury and Regidor perpetuo here, with whom I certify I am acquainted and he said that using the faculties conceded by Royal Cedula that treats of salable and transferable offices in this Kingdom he renounces the one he obtained in ownership from the hands of the King, Our Lord, whom God protect, so that this office being vacant it may be conferred on Don Christoval de Glapion, a person in whom centers the parts and qualities necessary to maintain it and if His Majesty does not deign to grant this grace he does not renounce it but retains it himself to use it as he has hitherto done.

Renunciation by Daniel Fagot de la Garciniere in favor of Don Christoval de Glapion of the office of Regidor Perpetuo, Receiver of Fines forfeited to the Treasury.

Thus he authorized and signed, the witnesses being Fernando Rodriguez, Pedro Cowley and Salomon Mallines, residents of this city here present. Daniel Fagot de la Garciniere.
Before me Andres Almonester
y Roxas, Notary Public.

Certificate of Almonester to the foregoing.

The foregoing act agrees with its original that was executed before me and that remains in my possession and Archives to which I refer and on the request of the party I give the present

on four sheets of this ordinary paper as stamped paper is not in use in this city. New Orleans, April seventeenth of the year one thousand and seven hundred and seventy six.

In testimony of the truth, Andres Almonester y Roxas, Notary Public.

Petition of de Glapion to be confirmed in said office.

Don Christoval de Glapion, resident of this city petitioning in the best form of law appears before Your Lordship and says that as it is evident from the copy of the written document that I duly present, Don Daniel Fagot de la Garciniere renounced to me in due time and form, the office of Regidor and Depositary general of fines forfeited to the Royal Treasury and costs of justice of this M. I. A.,* in consideration of which may it please Your Lordship to order issued to me the corresponding title so as to enter into the use and exercise of it. Wherefore

To Your Lordship.

I pray it please you to provide and order as I have petitioned as it is from justice and I swear it is not from malice and it is necessary &a.

(Signed) Le Chevalier de Glapion.

Order of Unzaga referring the above to the Contador.

The copy of the written document of renunciation having been presented, let the Contador of the Royal Treasury be notified of this and let him make note of it.

(Signed) Unzaga.

Certificate of Almonester to foregoing order.

The foregoing decree was rendered by Señor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who signed it in the city of New Orleans on the fourth of May of the year one thousand seven hundred and seventy six.

(Signed) Andres Almonester
y Roxas, Notary of the Royal Treasury.

Notification to Glapion.

I certify that on the said day I notified Christoval de Glapion in person.

Almonester,
Notary.

Communication to the Contador.

I certify that on the said day I notified the Contador of the Royal Treasury.

Almonester,
Notary.

*Muy Illustre Ayuntamiento (Very Illustrious Magistrate).

Answer of Martin Navarro, Contador of the Royal Treasury, to the petition of Glapion. He calls for proof of the death of Fagot and requires an appraisement of the value of the office.

Don Martin Navarro, Contador Principal of this Army and Province acting as Fiscal of the Royal Treasury answering the written documents that were given to him of the proceedings brought by Don Christoval Glapion for the renunciation that was made to him of the office of Regidor and receiver of fines forfeited to the Royal Treasury by the deceased Don Daniel Fagot, says: That the interested party must always make evident the twenty days, that the law requires, have elapsed since the death of the renouncer. Let them proceed to the estimation and valuation of the said office in the accustomed form so that in consequence of it to be able to exact fees and part that belongs to the Royal Treasury. New Orleans, May the seventh of the year one thousand seven hundred and seventy six.

(Signed) Martin Navarro.

Unzaga orders the proof to be made.

Let Don Christoval Glapion be notified to present the certificate of Don Daniel Fagot's death and done, let the case proceed.

(Signed) Unzaga.

Certificate of Almonester to said order.

The foregoing decree was rendered by Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province, who signed it in the city of New Orleans May the eighth of the year one thousand seven hundred and and seventy six.

(Signed) Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication of the same to Navarro.

I certify that on the said day, I, the escribano informed the Contador of the Royal Treasury of the foregoing decree.

Almonester,
Notary.

Notification to Glapion.

I certify that on the said day I notified Christoval de Glapion of it in person.

Almonester,
Notary.

Certificate of Dagobert, Parish Priest, to the Burial of Fagot on April 1, 1776.

Extract from the register of burials of the Parish Church of St. Louis at New Orleans, in Louisiana, Bishopric of Cuba:

The year one thousand seven hundred and seventy six, the seventh of the month of April,

I, the undersigned, have buried, in the cemetery of the parish, the body of Don Daniel Fagot de la Garciniere, native of Dauphinais, aged forty-five years, officer on half pay, now Regidor of this city who died the same day after receiving the sacraments. In faith of which I sign.

F. Dagobert, Parish Priest.

Certificate of Cyrille, Auxiliary Vicar of Louisiana, to the foregoing.

The undersigned Capuchin Priest, Auxiliary Vicar of the Province of Louisiana, Bishopric of Cuba, in America, Priest at New Orleans, I certify the extract hereabove to be true and in conformity to its original having been copied word for word from the register of burials of the abovesaid Parish and that credit must be given to it as much in justice as outside of it. In testimony whereof I delivered and signed this present and affix the seal of our Parish.

New Orleans, the fifteenth of May of one thousand seven hundred and seventy six.

F. Cyrille de Barcelone.

(Wax Seal)

(Almonester's paraph.)

Glapion produces the foregoing certificates and reiterates his prayer for confirmation.

Don Christoval de Glapion in the proceedings that I have brought so that the appointment be given to me and I may receive the use of the office of Regidor and receiver of fines forfeited to the Royal Treasury that Don Daniel Fagot renounced to me, I say that complying with the decree I duly present the certification by the priest of this Parish in which the death of the forenamed Don Daniel Fagot is made clear and in consideration of this the renunciation is made in due time and form. May it please Your Lordship to issue to me the corresponding title and to admit me to the use and exercise of it.

Wherefore:

To Your Lordship.

I pray it please you to provide and order as I have prayed as it is from justice and I swear it does not proceed from malice and it is necessary &a.

(Signed) Chevalier de Glapion.

Unzaga orders judgment to be rendered.

The certification that Don Daniel Fagot has died having been presented, let judgment be rendered.

(Unzaga's paraph.)

Certificate of Almonester to foregoing orders. The foregoing ruling was rendered by Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who paraphed it in this city of New Orleans the fifteenth of June of the year one thousand seven hundred and seventy six.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication of the same to Navarro. In the city of New Orleans on the said day, month and year, I, the escribano informed the contador of the Royal Treasury, in person, of the foregoing decree.

Almonester,
Notary.

Notification to Glapion. I certify that on the said day I notified Don Christoval de Glapion in person.

Almonester,
Notary.

Unzaga appoints appraisers to value the office. Whereas: With the representation by the Contador of the Royal Treasury in consideration of the renunciation made by Don Daniel Fagot of the office he obtained of Regidor and receiver of fines forfeited to the Royal Treasury of this city to Don Christoval de Glapion, this is in conformity to the disposition of the laws, His Lordship said that he must decree and did decree that the said office be appraised by the Regidors Don Francisco Maria de Reggio and Don Joseph Ducros, the first, Alferez Real and the second General Receiver of this Cabildo. Before so doing they must accept and take oath to proceed faithfully, with a citation to the Contador and done let the case be continued to give the judgment that corresponds.

(Signed) Unzaga.

Almonester certifies the above order. The foregoing decree was rendered by Señor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who signed it in the city of New Orleans the seventeenth of June of the year one thousand seven hundred and seventy six.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication of Same to Navarro.

I certify that in the city of New Orleans the said day, month and year, I, the escribano, informed the Contador of the Royal Treasury, in person of the foregoing decree.

Almonester,
Notary.

Notification to Glapion.

I certify that on the said day I notified Don Christoval de Glapion in person.

Almonester,
Notary.

Notification to Appraisers for acceptation, together with acceptation and oath of same.

In the city of New Orleans the said day, month and year, I, the escribano, notified Don Francisco Maria de Reggio and Don Joseph Ducros, Regidors perpetuos of this Cabildo, the first, Alferez Real and the second, General Receiver of this city, of the foregoing decree, in person, and to each one, they both said that they accepted and did accept the appointment of appraisership for this office they took oath and swore by God, Our Lord and a sign of the cross, in accordance to law to proceed well and faithfully according to their true knowledge and understanding and they signed to all of which I certify.

(Signed) Francisco Maria de Reggio.
(Signed) Joseph Ducros.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Appraisement of the office at 1200 pesos.

In the city of New Orleans, the twentieth of June of the year one thousand seven hundred and seventy six, standing in the Royal Contaduria, in the presence of Señor Don Martin Navarro, Contador of the Royal Treasury, the Regidors, Don Joseph (Francisco) Maria de Reggio, Alferez Real, and Don Joseph Ducros, General Receiver of this city, in virtue of the appointment that they have accepted and sworn to, proceeded to make a valuation of the office of Regidor and receiver of fines forfeited to the Royal Treasury that Don Daniel Fagot obtained and renounced to Don Christoval de Glapion and after having conferred a long time, by one accord and in conformity they said they estimated and did estimate it at one thousand two hundred pesos and they signed with the said Contador to all of which I certify.

(Signed) Martin Navarro.
(Signed) Francisco Maria de Reggio.
(Signed) Joseph Ducros.

Before me Andres Almonester
y Roxas, Notary of the Royal Treasury.

Decree.

Unzaga renders judgment requiring Glapion to pay the fees and the part of the appraisement due to the King and orders that Title be issued to him in due form after taking the oath of office, this appointment to be subject to the approval of the King within five years.

Whereas: Let it be made evident by certification of the ministers of the Royal Treasury that Don Christoval de Glapion has exhibited the fees and part that belongs to His Majesty for the office of Regidor and receiver of fines forfeited to the Royal Treasury of this city that Don Daniel Fagot renounced. Let the corresponding title be issued in all due form, with this he will present himself to this illustrious Cabildo so as to take the accustomed oath. Let him be given a full certified copy of these proceedings so that within five years, counted from this day, he must make evident the Royal Confirmation of the said title, in the understanding that the said time having passed, (the recipient not receiving Royal sanction) the said office will be declared as vacant in favor of the Royal Treasury in conformity to the disposition of the laws.

(Signed) Unzaga.

Almonester certifies to the above decree.

The foregoing decree was rendered by Señor Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who signed it in the city of New Orleans the twenty first of June of the year one thousand seven hundred and seventy six.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication to Navarro.

I certify that on the said day I notified the Contador of the Royal Treasury.

Almonester,
Notary.

Notification to Glapion.

I certify that on the said day I notified Don Christoval de Glapion in person.

Almonester,
Notary.

Glapion petitions to be relieved from the payment of one-half the value of the office on the ground that Fagot's purchase of the office was direct from the Crown after it was abandoned by Denis Braud and that Fagot's renunciation being the first natural renunciation in favor of another, is not subject to reassessment.

Don Christoval de Glapion in the proceedings that I have brought to be given the appointment and that I may receive the use of the office of Regidor and receiver of fines forfeited to the Royal Treasury that Don Daniel Fagot renounced in my favor, I say that in fulfillment of His Lordship's decree conforming to what was set forth by the Contador of the Royal Treasury on page five, I have exhibited the part that belongs to His Majesty, amounting to four hundred pesos, with besides the fees for the half annats and for its conveyance to Spain, this sum demanded the Contador

entered in the Royal Coffers, supposing I must contribute the one half of the value at which the said office was appraised with the misunderstanding that this is the first renunciation to be made of it but as it appears from the Royal Confirmation of the said office that I present with necessary solemnity it was sold at public auction in favor of the Royal Treasury when it was abandoned by Don Dionisio Braud the first party to renounce the office in such terms and as follows to the prejudice of the Royal Treasury in securing the part that belongs to it as was inferred to me and to the public in conformity to the will of His Majesty. May it please Your Lordship to order that the said provision be complied with, without in any manner altering the disposition of the laws that treat of the affair. Wherefore:

To Your Lordship. I pray it please you to provide and order as I have petitioned as it is from justice and it is not from malice and it is necessary &a.

Chevalier de Glapion.

Unzaga orders this sent to the Contador. Let this petition be sent to the Contador.

(Unzaga's paraph.)

Almonester certifies to the above. The foregoing decree was rendered by Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who paraphed it in the city of New Orleans on July twenty ninth of the year one thousand seven hundred and seventy six.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication to the Contador. I certify that on the said day, month and year, I, the escribano informed the Contador of the Royal Treasury of the foregoing decree.

Almonester,
Notary.

Notification to Glapion. I certify that on the said day I notified Don Christoval de Glapion in person.

Almonester,
Notary.

The Contador contests the claim of Glapion and insists he is obligated under the law to make the payment notwithstanding the death of Fagot. He contends by inference that Braud did not renounce within the meaning of the law and that the second renunciation by Fagot would deprive the King of his revenue and the law does not so provide.

The Contador Principal of the Royal Treasury acting as Fiscal of it in answer to the petition that has been given to me of the foregoing representation made by Chevalier Glapion in which he solicits to be exempt from contributing to His Majesty the value of one half of the office of Regidor and receiver of fines forfeited to the Royal Treasury for this purpose he makes provision; nothing seems enacted in the laws as he said although contrary to the spirit of these and to sane reason, then not only a second renunciation can not be given without the first having been understood as such and at each time in the consecutive order of renunciation the interruption may be verified by caducity; prejudicing, to the contrary, the royal fees that he reclaims. New Orleans, the twenty second of July of the year one thousand seven hundred and seventy six.

(Signed) Martin Navarro.

Unzaga orders that judgment be renedered.

Let judgment be rendered.

(Unzaga's paraph.)

Almonester certifies.

The foregoing ruling was rendered by Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who paraphed it in the city of New Orleans the twenty third of July of the year one thousand seven hundred and seventy six.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication to the Contador.

I certify that on the said day I notified the Contador of the Royal Treasury.

Almonester,
Notary.

Notification to Glapion.

I certify that on the said day I notified Don Christoval de Glapion, in person.

Almonester,
Notary.

Final judgment by Unzaga maintaining the contention of Navarro, the Contador, and ordering Glapion to pay. He decides that Fagot received the office "as by first renunciation."

Whereas: Let the decree on page eleven be fulfilled and in consideration of the representation by the Contador of the Royal Treasury let it be declared that Don Christoval Glapion must enter in the Royal Coffers, the one half of the value at which the office of Regidor and receiver of fines forfeited to the treasury was estimated which Daniel Fagot obtained as by first renunciation.

(Signed) Unzaga.

Almonester certifies the above.

The foregoing decree was rendered by Don Luis de Unzaga y Amesaga, Brigadier of the Royal Armies and Governor General of this Province who signed it in the city of New Orleans, July the twenty four of the year one thousand seven hundred and seventy six.

Andres Almonester
y Roxas, Notary of the Royal Treasury.

Communication to the Contador.

I certify that on the said day I notified the Contador of the Royal Treasury.

Almonester,
Notary.

Notification to Glapion.

I certify that on the said day I notified Don Christoval de Glapion in person.

Almonester,
Notary.

Bernardo de Otero, Treasurer General issues receipt to Glapion for 4800 silver reales in payment of the King's half of the value of the office.

Don Bernardo de Otero, Treasurer General of this army and Province received from Don Christoval Glapion four thousand eight hundred silver reales that he has delivered to me as the one half of the value of the office of Regidor and receiver of fines forfeited to the Royal Treasury of this city that Don Daniel Fagot made first renunciation of to him according to information of this day from the Royal Contaduria. I have taken charge of this four thousand eight hundred silver reales in favor of the Royal Treasury. In virtue of this receipt Don Martin Navarro, Contador principal of this army and Province must make a record of it. New Orleeans the eighteenth of October of one thousand seven hundred and seventy six. (I certify that the word October is corrected.)

(Signed) Bernardo de Otero.

There are 4800 silver reales recorded.

(Signed) Martin Navarro.

Treasurer Otero issues receipt to Glapion for 377 reales, 2 3/5s maravedi in silver for the half annats and for the transmission of the same to Spain.

Bernardo de Otero, Treasurer General of this army and Province of Louisiana: Received from Don Christoval Glapion three hundred and seventy-seven reales two and three-fifths maravedi in silver as the two and one-half per cent for the half annats of the one thousand two hundred hard pesos at which the office of Regidor and receiver of fines forfeited to the Royal Treasury was estimated as by first renunciation made of it by Don Daniel Fagot to this deduction

must be added a third part more and in which is included fifty-seven reales twenty and two-fifths maravedi in silver for eighteen per cent for its transfer to Spain as the law requires. I have taken charge of the forementioned three hundred and seventy-seven reales twenty and two-fifths maravedi in silver. In virtue of this receipt Don Martin Navarro, Contador Principal of the army proper must make a record of it. New Orleans the eighteenth of October of one thousand seven hundred and seventy six. (I certify that the word October is corrected.)

(Signed) Bernardo de Otero.

There are 377 reales 20 2/5 maravedi recorded.

(Signed) Martin Navarro.

EXTRAIT
DE LA LETTRE DU ROI,

A M. DABBADIE, DIRECTEUR GÉNÉRAL, COMMANDANT POUR SA MAJESTÉ, A LA LOUISIANNE.

MONS. DABBADIE; Par un Acte particulier, paſſé à Fontainebleau le 3. Novembre 1762. ayant Cédé de ma pleine volonté à mon Trés-Cher & Tres-Amé Couſin le Roi d'Eſpagne, & à ſes Succeſſeurs & Héritiers, en toute propriété, purement & ſimplement & ſans aucune exception, tout le Pays connu ſous le mon de la Loüiſianne, ainſi que la Nouvelle Orléans & l'Iſle dans laquelle cette Ville eſt ſituée; & par un autre Acte paſſé à l'Eſcurial ſigné du Roi d'Eſpagne le 13. Novembre de la Même Année, S. M. Catholique ayant accepté la Ceſſion dudit Pays de la Loüiſianne & de la Ville & Iſle de la Nouvelle Orléans, conformément à la Copie deſdits Actes que vous trouverez ci-joints: Je vous faits cette Lettre, pour vous dire que mon intention eſt, qu'a la reception de la Préſente & des Copies y jointes, ſoit qu'elle vous parvienne par las Officiers de S. M. Catholique, ou en droiture par les Bâtimens Français qui en ſeront chargés, vous ayez à remittre entre les mains du Gouverneur, ou Officier à ce prépoſé par le Roi d'Eſpagne, ledit Pays & Colonie de la Loüiſianne & Poſtes en dépendants, enſemble la Ville & Iſle de la Nouvelle Orléans, telles qu'elles ſe trouveront au jour de ladite Ceſſion: Voulant qu'à l'avenir elles appartiennent à S. M. Catholique, pour être Gouvernées & Adminiſtrées par ſes Gouverneurs & Officiers, comme lui appartenant en toute propriété & ſans aucune exception. J'eſpére en même-tems pour l'avantage & la tranquilité des Habitans de la Colonie de la Loüiſianne, & je me promets en conſéquence de l'amitié & affection de S. M. Catholique, qu'elle voudra bien donner des ordes à ſon Gouverneur & à tous autres Officiers employés à ſon Service, dans ladite Colonie & Ville de la Nouvelle Orléans, pour que les Eccléſiaſtiques & Maiſons Religieuſes qui Deſſervent les Cures & les Miſſions, y continuent leurs Fonctions, & y joüiſſent des Droits, Priviléges & exemptions qui leur ont été attribués par les Titres de leurs établiſſemens: Que les Juges Ordinaires continuent, ainſi que le Conſeil Supérieur, à rendre la Juſtice ſuivant les Loix, Formes, & Uſages de la Colonie: Que les Habitans y ſoient gardés & maintenus dans leurs Poſſeſſions: Qu'ils ſoient confirmés dans les propriétés de leurs Biens ſuivant les Conceſſions qui en ont été faites par les Gouverneurs & Ordonateurs de la Colonie, & que leſdittes Conceſſions ſoient cenſées & reputées confirmées par S. M. Catholique, quoiqu'elles ne l'euſſent pas encore été par Moi.

Efpérant au furplus que S. M. voudra bien donner à fes nouveaux Sujets de la Loüfianne, les mêmes marques de Protection & de bienveillance qu'ils ont éprouvés fous ma Domination, & dont les feuls malheurs de la Guerre les ont empêchés de reffentir de plus grands effets. Je vous ordonne de faire Enrégiftrer ma préfente Lettre au Confeil Supérieur de la Nouvelle Orléans, afin que les différens États de la Colonie foient informés de fon contenu, & qu'ils puiffent y avoir rejours au befoin. Et la Préfente n'étant à autres fins, je prie dieu MONS. DABBADIE, qu'il vous ait en fa Sainte garde. *Écrit Verfailles, le 12. Avril 1764. Signé LOUIS, & plus bas, LE DUC DE CHOISEUL.*

De l'Imprimerie de DENIS BRAUD, Imprimeur du Roi.

"Enrègistre es Registry du Greffe Du Conseil Superieur de La province de La Louisianne par nous Greffier en Chef sousigne f° 63 et f° 64 a La N^velle^ Orleans, Le 16 7bre 1764.

Garic
Greffier"

A DUEL BETWEEN DIPLOMATS

An Incident in the Life of Pierre Soule[1]

By H. G. Morgan, Jr.

I ASK your kind indulgence while I endeavor to interest you in an episode in the career of one of Louisiana's most illustrious adopted sons, Pierre Soulé, the jurisconsult, who won renown in the forum and on the floor of the upper house of Congress during the eventful period ante-dating the clash of arms that sent a thrill through all the civilized world, and made the valor of the citizen soldiery of our great country the theme of praise throughout Christendom.

The particulars of the romantic incident, I am about to relate, in the life of this strong, though picturesque personality, tinged, as they are, with such vivid local coloring, gives me some assurance that its recital will prove of interest to you.

At many points the career of Pierre Soulé challenges comparison with the careers of most of the conspicuous characters of his day. His manhood, coming as it did under the influence of radical agitation, in the old as well as in the new world, and called upon to share in the upheavals of that unrestful period, his life might well afford sufficient matter of interest for a romance.

It is not my intention, however, to attempt, in this brief paper, a review of the career of Mr. Soulé. A sketch of his life, forming a valuable contribution to the political history of our State has been most interestingly written by Judge Henry Renshaw, and read by him before a meeting of this Society, held, I believe, during the winter of the year 1899.[2]

In the pages that follow, and which go to make up the most interesting part of the paper I am reading to you this evening, the writer has borrowed, liberally, from documents, found among the archives of the Congressional Library, and from private letters and memoranda that have not been, heretofore, submitted to the public, and I take pleasure in acknowledging the assistance received from all such sources.

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[1]Paper read by H. G. Morgan, Jr., at a meeting of the Louisiana Historical Society, New Orleans, February 15, 1911. This old paper may be supplemented by the reader from many sources not accessible to the writer when this was written Among recent publications see Marcy, *The American Secretaries of State, Vol. 5, pp.* 199-212, also *Louisiana Politics*, 1845-1861, La. Hist. Qy., 13, 295-6, (April, 1930.)

[2]We have not been able to find this paper.—Ed. La. Hist. Qy.

Pierre Soulé was elected to the United States Senate in the year 1848, where his remarkable ability was immediately and universally recognized, and in 1853 President Franklin Pierce tendered him the Mission to Spain. This action on the part of the Chief Executive was generally regarded, by those in touch with the then existing situation of affairs in this country, as a concession to the Southern propagandists, who were clamoring for the annexation of the Island of Cuba to the United States.

While Spain, even at that early date, could not well have ignored the fact that Cuba would not much longer remain a Spanish dependency, yet the foreign press, even the accredited organs of the Spanish Government—fully aware of the state of the public feeling, in the section of the country from whence our representative came—contended that, under the circumstances, the appointment of Mr. Soulé, by the President of the United States, to represent this government, at the Court of Spain, was most extraordinary. Mr. Soulé, on his part—believing that, as an American citizen, he enjoyed the privilege, wherever he might go, of carrying with him the hopes and aspirations that filled the breasts of his people, and, if needs be, to be the bearer of a message of tremendous import to the tyrants of the old world—was, naturally, not a very welcome visitor among the old Castillian nobility at the Court of Spain. His unpopularity in Madrid was, perhaps, not wholly due to the views he was credited with entertaining regarding the island of Cuba, but also because of his coming to Spain—a Frenchman of humble birth and an adopted son of a foreign country—and finding there an ambassador from Imperial France, a nobleman of ancient lineage "who at once exhibited a prejudice to the humbly born Frenchman, which was neither controlled nor concealed."

Not content with secretly urging the rejection of Soulé by the Court the French Ambassador manifested his contempt by many slights and remarks to the effect "that he could not endure to meet, on an equal diplomatic footing, a Frenchman of such extraction!"

Soulé was keenly alive to this, and also realized that his rejection as ambassador had not alone been urged upon the Spanish Cabinet by the French Ambassador, but that the Countess of Montijo, the mother of the Empress Eugenie, had been actively aggressive in her pronunciamento against him, and that the countess, since her daughter had become Empress, not only fig-

ured conspicuously in society in Madrid, but also participated in the councils on matters of state and general diplomacy.

Hated by the artistocracy, yet respected for his courage by this very aristocracy; assailed most violently by the press, his sojourn in Spain promised much unhappiness, and it so happened that but a short time after his presentation at Court, an affair was brought about which subjected his family and himself to distressing notoriety throughout the Capitals of Europe. It happened in this wise:

In honor of a fete-day of the Empress Eugenie, the French Ambassador, the Marquis de Turgot, gave a dinner and ball (a dinner-ball, as such functions are now styled) and, on this occasion, the Duke of Alba, a descendant of the British Royal house of Stuart, and brother-in-law of the French Empress, represented her Majesty.

Invitations were issued to Mr. Soulé and his family; their invitations, however, were to the ball only. At the earlier function, these new comers in the diplomatic world, the Soulés, were discussed and critized severly by the Countess of Montijo, and by the Marquis. Madame Soulé, whose "beautiful head, expressive face, splendid person and character above reproach," was made the target of a most unfortunate and unseemly jest. A guest remarking that Madame Soulé was "Junoesque in appearance!"

"Junoesque," sarcastically replied the Marquis, "she resembles more Marguerite of Burgundy!"

The repartee was thought very clever and caused, according to the reports of the affair, much merriment. The Marquis' insinuating comparison was, perhaps, prompted by the re-appearance at that particular time, of Mlle. Georges on the Paris stage, who in Dumas' "La Tour de Nesle," revived the memory of the sensation she at one time made by her acting and sensuous beauty in the impersonation of Marguerite.

Unfortunate and unjust as the remark unquestionably was, the incident might have been forgotten had not the Duc of Alba, upon seeing Madame Soulé enter the ball room, where the guests were assembling, remarked, in a burst of laughter, to a man standing near him:

"There goes Marguerite of Burgundy."

Now, it so happened, that the man he addressed was Madame Soulé's son, Neville, an attache of the American Legation. Young Soulé, at that moment, was accompanied by a lady,

and neither of them recognized the man who had spoken such contemptous words.

Hastily releasing himself from his companion, and upon immediate investigation, he discovered that it was none other than the Duke of Alba who had dared draw such an offensive comparison.

Hurrying to his father, who was at that moment conversing with General Don Jose de la Concha, young Soulé quickly related his experience. Pierre Soulé, deeply aggrieved and resentful, immediately sought out the Duke, and, to make the quarrel his own, deliberately pushed him with his elbow; notwithstanding this rude attack, the Duke took no notice of it.

However, on the following morning, Neville Soulé, without his father's knowledge, sent the Duke a peremptory challenge, which Alba promptly declined, urging as his reason—"That there was not intended the most distant comparison between his mother and the beautiful and wanton Marguerite, his words merely referring to the physical likeness between them," and he offered young Soulé ample apology for the unintentional affront his flippant remark had occasioned. The difficulty might have ended there, had not the press published the fact that Neville Soulé had called the Duke "A Canaille de Duc!"—"and that the brother-in-law of the French autocrat had not gotten out of the difficulty in a manner worthy of his rank, having been forced to eat his words by a beardless boy," as the proud Castillian grandees taunted him.

More than three weeks after the original quarrel had been satisfactorily arranged, General Concha, with copies of English journals containing certain damaging reports of the affair, demanded of young Soulé "that he should, over his own signature, correct what he, Concha, termed misstatements contained therein." This Neville promptly declined to do, maintaining "that as he was an entire stranger to the publications, he could in no manner be made responsible for them, and, that not having in his charge the honor of the Duke of Alba, it was no business of his to determine how far such publications were calculated to wound his susceptibilities, and least of all, to constitute himself the judge of the decree of sensitiveness with which the Duke might take them up."

On receipt of this answer, the Duke challenged Neville, and the challenge was promptly accepted.

Alba was seconded by General Concha and the Count Pūnonrostra, Neville Soulé by Col. Lorenzo Milans and the Secretary of the American Legation, Horatio Perry, Esq.

Over their own signatures the following account of the duel was furnished by the seconds:

"The undersigned seconds and witnesses of the encounter which took place in the afternoon of Wednesday the 14th, 1853, between his excellency, the Duke of Alba, and Mr. Neville Soulé, do hereby declare that the same commenced at twenty minutes before four o'clock and was suspended at ten minutes before four o'clock, and being renewed five minutes later, was again suspended at five minutes past four. The undersigned, having perceived that the fatigue of both the combatants proceeded from the bad state of the ground, and still more from the great weight of the Spanish swords, with which they fought, changed these for lighter ones with which the combat being again renewed at four o'clock and ten minutes, was continued until the undersigned thought themselves obliged to give a new rest to the combatants, which was repeated three times more, and for the space of five minutes each. As in the last, but one, of these pauses, there had been an occasion in which the combatants drew near and addressed to each other courteous words, the seconds believed that the time had arrived to see if any means could be found to put an end to the duel with honor to both parties, taking advantage of that favorable incident, and although this could not be then effected in the following pause, still persisting in that idea, they succeeded in procuring, on the very ground, a reconciliation, frank, loyal, and without conditions, equally honorable to both antagonists. In consequence of this, the undersigned agreed immediately that honor did not require more, declaring the combat definitely terminated, annulling completely its causes, and destroying all the writing which had passed between the combatants during the whole course of the affair."

Now, while this duel was being fought, the elder Soulé was confined to his bed, suffering with an attack of pneumonia; notwithstanding his enfeebled condition, he was most indiscreetly advised of the fact that, at that very time, the duel was in progress, and it was, furthermore, suggested to him that the Marquis de Turgot had first used the objectionable expression in regard to Madame Soulé.

Unable to contain himself, and with no explanation available to placate the fiery citizen, he at once issued the following challenge to the Marquis:

Madrid, Dec. 14, 1853.

"To the Marquis de Turgot:

Monsieur le Marquis: The difficulty which has arisen between my son and the Duke of Alba took its origin in your salons. It is in your house, where I and mine were your guests, and on the occasion of a festival, of which, by a kind of representation, the Duke of Alba might consider himself the hero, that the latter dared to insult Mrs. Soulé, without anything having occurred since to exonerate him from the responsibility, which, on that account, attaches to you. It is given besides as certain, that from your lips fell, for the first time, the words afterwards uttered by the Duke of Alba, and so nobly taken up by my son. Such being the case, I have a right to go back to the very origin of the quarrel which put the sword in the hands of the Duke of Alba and my son, to make it mine, in so far as it concerns you, and to demand, at your hands, a satisfaction which you cannot deny me.

I have the honor, Monsieur le Marquis, to be your very humble servant.

(Signed) Pierre Soulé,
a citizen of the United States."

To this challenge the Marquis replied that "he dealt not in letters, and that he would answer it at the mouth of the pistol!"

By the terms of the cartel, Mr. Soulé had the choice of weapons, he also chose pistols.

The Marquis had the right to appoint the time and designate the place. He selected "Charmatin" a short distance from Madrid.

Anxious to arrange his papers and attend to many important matters of State, Soulé requested a delay of some forty-eight hours, this was agreed to, and Sunday was the day decided on for the meeting, but on Friday, after midnight, the Marquis' seconds waited on Soule, and informed him that the Spanish Cabinet had determined to stop the duel. They thereupon insisted that the duel must be fought the next day at eleven. The preliminaries of the duel arranged, the important question of distance was discussed, the Marquis insisting on forty paces, while Soulé was equally determined that the distance should be no greater than ten paces.

To this latter distance the objection was urged by Lord Howden, the British Ambassador, and a second of Turgot's, that

an encounter under such conditions, if attended with fatal results, would be "a brutal murder" and he again set the distance at forty paces.

To this decision, it is claimed by some writers, Soulé was obliged to submit, although he maintained "that, in America, such a duel would be ridiculed as a farce." Other authorities state, however, that the distance was finally settled at twenty paces, in a spirit of compromise.

Lord Howden and the French General Cailler seconded the Marquis.

Soulé selected General Valdez.

General Valdez gave the signal to fire—Soulé in a letter describing the duel said:

"At the first fire, naturally, at this distance, we both missed, but, on the second attempt, I managed to penetrate him with my bullet; the Marquis is very ill, and some people think he is going to die."

The Marquis did not die, however, and, upon subsequent examination, it was found that he was wounded about three inches above the knee; notwithstanding the comparative insignificance of the wound, he was left a cripple for life.

His mental and physical suffering was subsequently alleviated by the French Emperor, by whom he was created a grand officer of the "Legion of Honor."

The duel was fought on Dec. 17th, 1853. Many months thereafter, Mr. Soulé had occasion to call on the Minister of Foreign Affairs, and, while waiting for an audience, he met the Marquis in the ante-chamber; this happened to be their first meeting since the affair on the field of honor at Charmatin. No recognition took place between them, but the meeting was naturally intensely embarrassing and extremely awkward to both actors in that hostile meeting under the code of honor.

Soulé's career as Minister to Spain, 1853-55, was, unfortunately far more sensational than successful. Realizing that he was scarcely a persona grata at the Spanish Court, and, upon further reflection, being convinced that his personal dignity necessitated his resignation, which conviction was strengthened by the unfriendly attitude towards him, instigated by the Spanish Cabinet, by the French Ambassador, by the Countess of Montijo,

by the Duchess of Alba, and by the Austrian and Mexican Ministers—he resigned.[3]

He was born too late, "he seemed like a knight-errant of a former century, the very opposite of a diplomat."

Disheartened at the failure of his most cherished hope, the acquisition of Cuba, this strong, clear, mellow-voiced massive and imposing character, left Spain, returned to America and to New Orleans, where he resumed the practice of law and won new laurels at the bar.

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[3]Recent writers do not take wholly the view of the author. They pitch the resignation upon his disappointment over the refusal of the President to sustain Soulé's participation in the famous Ostend manifesto regarding Cuba.—Ed. La. Hist. Qy.

DUFOUR'S LOCAL SKETCHES*

("Esquissses Locales par Un Inconnu")

Translated under the editorial supervision of
ROBERT WILLIAM COLOMB
Secretary Louisiana Historical Society and member Editorial Advisory Board, Louisiana Historical Quarterly.

(CONTINUED FROM APRIL, 1931, QUARTERLY)

SECOND INSTALLMENT

XI

CHARLES DERBIGNY

Translation by R. W. COLOMB

MR. DERBIGNY'S features are in politics, what a Rembrandt picture is in painting—Austere, grave, taciturn, taking on animation only at the whispered call of duty; this gloomy cast, has served to render him conspicuous amongst people whom, those who wish to assume the grand style, are accustomed to compare with the ocean, with its rolling billows; and whom those who pretend to make history, dare to compare with the ball, with its harlequin multi-colors.

Mr. Derbigny was for a long while, one of the most distinguished members first of one, and afterward of the other branch of our Legislature.

In turn President of the Senate, and Speaker of the House, I am at liberty to suppose that he is indebted for these testimonials of high esteem to qualities which are more solid than brilliant; and to his character, rather than his talents.

Firm, even intractable maybe, of deep penetration, of unalterable honesty, an almost infallible uprightness, it is really a pity to see him, also banished, so to speak, from public affairs. I do not believe he seeks power merely to enjoy it in a sanctimonious manner, like so many others; but, were he in active service, I promise you that he is a man who would make every sacrifice under a strong sense of duty.

*"We will revive those times, and in our memories, preserve and keep fresh those happier days in a sprightly land of social ease."
"Peut-être un jour même ces souvenirs auront pour nous des charmes." It will be pleasant to remember those things. ("Haec olim meminisse juvabit.")—R. W. C.

I do not believe anything could be more objectionable to him than the air of an intriguer.

In the course of his long political career, he must according to circumstances, have inspired some with confidence, and embarrassed others. A business man, an excellent manager, an experienced lawyer, a fluent talker, he is not in the least an orator.

His unsociableness, must of necessity have stifled the sprouting of any brilliant quality.

He is sometimes difficult of approach; but it is only the first step that costs; after that has been made, he is affable, benevolent, and his smile has all the lovable freshness of youth.

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XII

MR. C. M. CONRAD

(*Courier*, March 8, 1847)

Translation by BERNICE MANSBERG. Newcomb College

Well, Sir, am I to be congratulated or pitied? That, of course, depends upon how you regard the matter. I *have heard* great news. A pack of idlers are on my trail. In hot pursuit after me, they have, turn in turn, suspected men of wit, men of profound learning, and, even at times, they have suspected blockheads. It might seem that I belong somewhat to each of these three categories. Quite a compliment, indeed, and I confess that I hardly realized that I belonged to such worthy company and yet had so little self-assertion. Master Pathelin[1] proclaims, it is true, that the more you flatter a fool the better he likes it, but Lafontaine's crow offers a direct contrast to this axiom.[2] May I suggest to master fox then to cease his pursuit up hill and down vale seeking a poor devil like me? We all would be somewhat the loser—the expression is borrowed from Brantome,[3] as I now duly inform you. Brantome makes me think that if I had the advantage

[1]Pathelin. (Maistre Pierre) 1467-70. Marks the beginning of French comedy, with a work still admired for its comic force, and resourceful exploitation of dramatic possibilities. Signs point to the lawyer, ecclesiastic, and poet, Pierre Blanchet as the author.—R. W. C.

[2]La Fontaine's Fable of the Raven and the Fox. "Le Corbeau et le Renard."

[3]Brantome. (Pierre de Bourdelles) 1540-1614. A popular French Historian. He was sprightly, "naif," and sometimes eloquent but never profound. His history is valued as a vivid picture of the epoch in which he lived and of the characters of the principal actors in it. His chief work is "Lives of Illustrious Men" and "Great Captains, both French and Foreign."—R. W. C.

of being little in big things and big in little things, I would willingly speak to you of several foxes that I know, but for the time being I must confine myself to the name that heads this essay. The name of Mr. Conrad is so well known that other foxes may well yield him precedence.

You have heard this said many a time throughout the world: "Beware of infant prodigies." All of these young college people who devour readily their first classical studies, who sink down under the weight of their rewards and crowns, what becomes of them in after life? They stop where they ought to begin, while the sluggards of college, those who seem to be fatally excluded from the feast of sublime enjoyments take flight one fine day and say to glory: Here we are!

Evidently, it is one of those popular errors which, in the interest of intelligent and studious youth ought not to be encouraged. But at the very heart of this error, cannot one, at times, *extricate* a sad reality? Under all this exaggeration is there not some truth? Does not one see, sometimes, young men rise gloriously to the horizon of life, offer some hope for the future, and then stop there as if at the limits of human ambitions?

Mr. Conrad belongs to the group of those who have promised much and accomplished little. When he appeared at the bar, the most brilliant career seemed to await him. Such was the prophecy of the time. But as the years rolled by, expectations were doomed to disappointment. Rung by rung, he almost achieved his goal, but all this was done so sadly, with so little animation, that one might have called it a forced scaling rather than the apotheosis of a great intelligence. It was predicted from that very moment that he would not long retain his position. He was sent to the United States' senate, and there he did not know how to give forth a single one of those ephemeral splendors which leave, sometimes, at least a memory. He was appointed, then, to the *Convention d'Etat* (State Convention), and he has just failed in a most mortifying manner.

There is a proverb which says: Hold your tongue. Mister Conrad seems often to forget that proverbs are the wisdom of nations. The man of public affairs who has none of the magic of oratory should act with circumspection, and voice his opinion only on a certainty. Otherwise he gradually weakens his own position, he divests himself foolishly of his power of authority, and finishes by hearing around him the noise of the papercutters

of his colleagues, which is, if I am not mistaken, the tocsin of boredom.

When Mr. Conrad retired from his profession to fight the thorns of politics, he was, clearly, abandoning a brilliant reality to chase after a shadow. He held an eminent position at the bar, his knowledge of our two local languages, his aptitude for business, his all consuming activity, his integrity, had gained it legitimately for him. He was wrong in believing that his talent as advocate would suffice in the vast horizon of politics. If he had maintained his ambition in the judiciary order, he would have always preserved that first prestige which his successful debut earned for him, he would have been able, with all due right, to aspire to one of the Seats of the Supreme Court, and certainly, in a country where the law is the only sovereign, the judiciary honors are worth as much as all the others.

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XIII.

BERNARD MARIGNY

(*Courier*, March 8, 1847)

Translation by R. W. COLOMB

This name is borne by one of the most distinguished families of our country.

It is nearly coexistent with civilization in the state of Louisiana.

The present founder of the family has had the rare privilege of growing up with his country, and appears to us to be the representative of a forgotten society. I will not venture so far as to say that Mr. Marigny is a man of wit.

Many of his friends assert, however, that he is very witty. For my part, he has only flashes of wit; which I dare believe is not to be despised. In his youth, he must have been a very agreeable companion.

Today when he is doubly burdened with an accumulation of years and reverses of fortune, he still has so much animation, is so merry, so indifferent, that many young men would exhaust their budgets before getting to the bottom of his affair.

He is a man of the finest manners, and of the greatest courteousness; and yet, be it affectation or eccentricity, he at times falls into those excesses which are the furthest removed from the varnish of good family.

These odd contrasts are very frequent, and are to be found with him again and again from whatever point of view you may regard him. He always seems to be full of business; and yet, he has not much to do so far as I know. To behold him silently stalking along our streets, one would take him for the peasant of the Danube,[1] and a stranger would never surmise that he beheld in him one of society's most amiable and brilliant conversationalists.

Mr. Marigny has attempted to tap the springs of almost all political honors, and I must admit that he has often succeeded.

He was a member of the Convention of 1812; and of the House and the Senate, during many years; and lastly, of the last Convention of 1844-5, so you may see that he is a master of laws and of constitutions.

I have heard it said that formerly, when he was still in possession of youth's energy and ardor, he often showed himself to be a great parliamentarian. In those difficult situations where skill and daring are called into play at the same time, I have no doubt that powerfully aided by his naturalness, by the indomitable boldness of his character, and by the air of good nature in which he knows how to wrap himself he gained legitimate success.

M. Marigny has for a long while, been one of our orators who are most loved by the public. His voice is admirably suited to the exigencies of the oratorical art. His gestures are graceful, confident and plentiful. With all these trappings of the orator, it is really regrettable that he did not aspire more seriously to the glories of the rostrum. He already possessed the instincts of the art; with a little more study, a little more reflexion. a little more method in fathoming matters, he would have had a career worthy of being envied.

I can scarcely complete this sketch of Mr. Marigny without telling you about his puns. He certainly is in luck. He lets them fly at random, and without much difficulty, I assure you. It is reported that Lafontaine[2] at the conclusion of a lecture of one of the lesser prophets, was so wonder-struck, that he went about everywhere asking "Have you read Baruch?"[3] When Mr. Marigny has made a pun, one must believe that he is as happy as Lafontaine was over Baruch, because he too, goes about everywhere

[1]Title of a fable by La Fontaine. A name given to a person of rough exterior of brutal frankness.

[2]A famous French fabulist born at Chateau-Thierry in 1621, died 1695.

[3]One of the twelve lesser prophets, friend and companion of Jeremiah whom he served as a scribe. Reputed author of the Book of Baruch.

saying to his friends: Do you know my pun? He makes so many, that one is sometimes at a loss for an answer. This weakness would not be readily excused in any other person, but Mr. Marigny, who has grown old in the public service, who has great intellectual attainments of a serious man, may permit himself to do this, and afterward say to the world:

Honni soit qui mal y pense![4]

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XIV

JOHN SLIDELL

Translation by R. W. COLOMB

Not a very long while ago, Mr. Slidell, due to a series of unexpected events, descended all at once, like a balloon which was losing its gas, from the summits of high politics to the vulgar level where it is our good fortune to dwell. I must admit that this state of felicity must seem to him fairly questionable, even incomprehensible, for he is reported to be ambitious. But he is sufficiently crafty to sooner or later know how to retaliate. I do not know if he is a good diplomat, but of a certainty he could become one. When some interest of party is brought into question, he predicts how the wind blows which rises from below the border of the horizon. When he draws back it is to leap better[1] after the manner of I remember not which forest prince.

He is very shrewd, but not very deep. He has rather more of ingenuity than ability, an infinite deal of good breeding, and assurance, of energy, and still more perseverance. His adversaries would not excel him in cunning. If we were at the time of exergues,[2] he would have incontestible rights to adopt the Latin motto, "Par Pari Refertur"[3]. We every day meet a multitude of people who say that, if at the time of his ministry,[4] he had pre-

[4]Evil be to him who evil thinks. (Motto of the Order of the Garter).

[1]Montaigne B. I. Ch. 38, Pr. "Il faut reculer pour mieux sauter" Céder pour un temps afin de mieux prendre ses avantages.

[2]Space beneath the principal design on the reverse of a coin or medal, commonly containing the date and other matter.

[3]To return like for like—Tit for Tat—A Roland for an Oliver
"I am a dog that knaws a bone,
I crouch and knaw it all alone,
The time will come which is not yet,
When I'll bite him by whom I'm bit."
From the famous Golden Dog (Chien D'Or) a puzzle to so many, which occupies its old position on Buade Street in Quebec, where tourists pass and try to solve the riddle with its mysterious and defiant inscription in old French.

[4]President Polk appointed Mr. Slidell minister to Mexico to settle the Texas question, but the Mexican government refused to receive him. Fortier V. 2, p. 463.

sented himself with a little less haughtiness, and a little more readiness of compliance, he would undoubtedly have outwitted the artful personages of Mexico. He is not enticing as an orator, he owes nothing to his eloquence, but owes everything to his indefatigable industry and the fortune of his party.

* * * *

XV

A. B. ROMAN

Translation by Convent of Mercy, St. Martinville, La.

Here, indeed, is a man who offers singular contrasts. His name is one of the most unpopular in the State—at least, it is reported to be such—and yet, he alone of all our governors, to the present time, has succeeded in securing a second election[1] He is unquestionably one of the most truly capable men of the older population; and yet, it is in the very heart of that population that he meets with the bitterest antagonism.

Discreet, reserved, moderate in his speech, rigidly formal and conventional in the ordinary affairs of everyday life, he seems to reserve all his will power for the time of action. He is resolute even to obstinacy; and his inert resistance, dumb and immovable, recalls the picture of the rock against which the waves dash in vain. He has great administrative ability; he is clever, very clever; he has repeatedly given proof of his unquestionable ability. I do not know whether or not, upon his entrance into public life, he sought a lawyer's degree; but he possesses so few of the exterior qualities that spell success at the bar, that I understand why he never followed the profession.

Politically he belongs to the Whig party, to which he is strongly and conscientiously attached. But why do I speak to you of things so generally known? Should I not tell you rather—to return to those contrasts that predominate in the life of Mr. Roman—that even there, after having held sway in the manner known to you, he is perhaps at this hour a hopeless figure. He is, I think, of the number of those old leaders who have made the fatal mistake of allowing themselves to be outstripped by the progressives of their own party.

[1](1831-35, 1839-43).

XVI

ALEXANDRE MOUTON**

Translation by PAUL VILLERÉ

I cannot better compare Mr. Mouton with anything than the meteors which are luminous for the time only it takes them to travel through space. This course once finished, they disappear completely and one would look in vain for the brilliant trace which is left behind by any object that has inherent power. Just as these, Mr. Mouton owed the brilliancy of his career to those wonders of circumstances, which are found everywhere, from the world of atoms to the highest order of creation.

A member of the legislature, a speaker of the House, a Senator of the United States, and finally Governor of the State of Louisiana; this is the ascending career which would satisfy most ambitions.

However, just as soon as Mr. Mouton lays down the insignia of power, his influence has not an ounce of weight. Having never possessed either the authority of talent or the authority of speech, there is barely left to him this authority of name, which is merely the recollection of a high position. He was, upon the whole, a man of good judgment, frank, affable, filled with dignity, devoid of those ridiculous illusions which dazzle the successful of the day, of a kindliness which permitted itself to be abused too easily and which consequently became a weakness.

Should he ever accept another nomination, the bettors maybe, can safely wager on the result of the election, as he knows marvelously well the art of elections, and on this score I hold him to be a great party chief.

**Alexandre Mouton was the ninth governor of Louisiana. He was born at Bayou Carencro, in the Attakapas country, Nov. 19, 1804. He was a descendant of Acadian exiles who found an asylum in Louisiana, when they were expelled from their homes by the English in Nova Scotia, in 1755. He was educated at Georgetown College, and after graduating, studied law. He was a member of the lower house of the State Legislature, and was twice elected speaker. He succeeded Alexander Porter in the United States Senate. He was a candidate for governor, and was inaugurated January 30, 1843. His inaugural address was a masterpiece of good advice. He died near Lafayette, La., February 12, 1882. Fortier, La. Vol. 2, p. 185.

XVII

ROBERT PRÉAUX

(*Courier*, March 30, April 6, 1847)

Translation by DAGMAR RENSHAW LE BRETON

Alas, sir, what were you about to do? Has your hand been charged to bell the Unknown? Have you sworn, you too, to disarm me? Do you not see that if you remove me from my obscurity, my pen will become weighted and I shall fall from my eminence? Leave me my name, verily, and do not seek further to cheat in the game. You say that curiosity leads to discoveries; take care, it is said that it leads to other things as well.

Permit me, for this once, to congratulate myself on your sagacity; believe me, it is not altogether on a level with your curiosity. You have done just about what the police do sometimes, neither more nor less; instead of apprehending the guilty, you have merely chanced upon the guiltless. And yet you ask me to forgive it you; it is rather of him that you should ask it! The joke seems rather good, if you allow me to say it.

If curiosity brings about discoveries, as you say, it seems to bring about pretty words as well. It has appeared to me that the barons and the knights of punning are on the alert. You will excuse me if I depart today from my program; the intellectual chase which is given me does not leave me free choice.

Mr. Preaux leads my cruel pursuers. He has sought me out and has finally discovered that I am a well-known dwarf. It is indeed appropriate to say in this connection, that if one does not always find what one is after, one sometimes makes happy discoveries. If the others are not (caught?) (do not hang themselves??) after that, they will surely languish in sadness. For the time being, however, the hidden truth has made fanatics of them; it has even been said that upon that subject they have composed a joyous and frantic roundelay.

Once quiet had been restored, one of the veterans, no doubt jealous of this enormous success, cried out, "You must have noticed, gentlemen, that he says I am a man of wit; and to wit I become the object of a well-known dwarf's attacks!" Thereupon the roundelay becomes more lively. I forget the other witticisms which were let loose on this memorable occasion; but I am assured that every new roundelay was livelier than the foregoing one;

which leads me to believe that the jests became better and brighter.

Hence you see, sir, they have sworn to have me run the gauntlet of their wits. I do not know what dark plots are being hatched. In justice and honor suffer that I should capture their shafts, that these might no longer be levelled at me.

I shall begin, as you see, with the most famous of all. For him I had reserved another place, but those who enjoy the privilege of being everywhere are not out of place anywhere.

Do you remember, sir, that cloud which floats from the beginning to the end of Homer's epic?[1] Wherever the gods are due to meet in combat, it is sure to be there. It must have had much to do with the temperaments of those gods. It was a famous cloud, I assure you. M. Preaux has often reminded me of it. It would appear that he has the gift of ubiquity. His is a nervous activity; he seems to multiply himself. He flits from his law studies to the scholium of the club, from political quarrels to the fraternal accolade of free-masonry.

In politics he is always on the firing-line; at the bar, he is constantly engaged in the noisiest affairs. If there is an assembly of any sort whatever, he is the official spokesman. If there is need for some one to enter the lists, he generously offers his services.

When General Bertrand arrived, it was he who made the welcome address to that distinguished visitor.[2]

He has his finger in practically every pie. To say that he is lucky in every venture is saying too much, but he has a facile talent which comes to his assistance and saves him from embarrassment. He loves jesting; that is why, no doubt, he enjoys the masonic rites.

He has perpetually something up his sleeve for each of his friends, which secret is discovered pretty soon to be common knowledge.

He is the life and soul of the party when anything is up; he relishes the thought of a good trick. But it is not within him to consciously hurt a living soul; if he thinks that instead of

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[1]"The Cloud—compeller, overcome, Assents to fate." Pope, Homer's Iliad. Book vi, 1, L. 517.

[2]Count Henri Gratien Bertrand, 1773-1844, French general whose life was closely bound up with that of Napoleon who had the fullest confidence in him. His touching fidelity has made his name very popular in France. Edme Victor Bertrand, 1769-1814, went to Saint Domingo in 1793. We have not found an account of a visit by these distinguished men to this city.

tickling, the keen edge of his malice will wound, he willingly sheathes it.

Mr. Preaux has a very marked personality—as is proved by the fact that Mr. Garbeille has had so little difficulty in molding a statuette of him. Unknown to him, he conceals under a serious exterior a certain native sprightliness. His impressionable nature will cause him to veer quickly. He rapidly passes from seriousness to gaiety, and from gaiety to seriousness; indeed he often makes a curious combination of both. He will make sport of the most serious matter; and in the most commonplace question, he will deepen his voice and assume a very solemn mein. He will find piercing, sincere, passionate words to express the simplest case. Most of his counsel speeches bear in a greater or lesser degree that stamp. In little battles and in great ones he rides his highest horse. Practically everything he says, he says with pomposity.

Our barristers plead their ordinary cases by the grace of God, rising to heights at times when they can, and especially when the subject permits. Mr. Preaux is too impetuous to be satisfied with that. He soars continuously above the crests of the loftiest rhetorical summits. His voice vibrates, his gesture is majestic, his periods long and highly colored. Sometimes there are great advantages to that type of orator; but it is then especially that one finds oneself loving simplicity and that one is tempted to cry out, "Sancta simplicitas:"[3]

Mr. Preaux enjoys a good reputation as a lawyer. He is esteemed by all his colleagues, which is surely a tribute to his generosity. Matters of sentiment have great weight with him. He renders a service to someone with an earnestness rarely seen nowadays and the recollection of a good deed is never lost with him. The enthusiasm, I can almost say the ardor, with which he espouses the causes of those who come to him are precious tokens of success for his clients. He is as good a civil lawyer as he is a criminal lawyer. A voluble orator, his speech is animated rather than eloquent. When he is strongly moved, however, he strikes a pathetic note which flows like a stream over his audience. Mr. Preaux also counts his triumphal days, but woe to the blunderer who dares on one of these days to take into account the frailty of human nature.

[3]Sacred innocence; innocent simplicity.

XVIII

ALEXANDER DERBES

(*Courier*, April 6, 1847)

Translation by LEONARD GREENBURG, Tulane University

Since I am in the midst of the subject of jokes, it would probably be better to finish it. So I am going to tell you about a man who allows himself this thing rather often. It would be a slight debauch of the mind in two acts, if I told you here some of the play upon words in which M. Derbes indulges. I assure you that he does not do things by halves when he starts anything. It is all the more strange since he is an alderman and of the best sort. You don't still trust in the thousand rumors that have run through the world for centuries! People had up to this time, stubbornly insisted on badigeoning the alderman with stateliness from head to foot, and clapping him on a horse as one of the police force. Really that was a scarecrow to place in the gardens to frighten the pigeons. Thanks to the amusing witticisms of M. Derbes, it is now proved that there is no truth in the whole matter. The alderman can converse, he can laugh, and he can even make puns. He takes care not to compromise himself to the point of crying out: "except for the police there is no safety at all." I don't know whether M. Garbeille, who has had so many good ideas, has had one in respect to M. Derbes. The new statuette would not spoil the curious collection which the witty artist has made for himself. He would add to the society a lovable man and one of fine sense, which is even better. If he has not yet considered the subject which I indicated to him I shall ask him to look out of the corner of his eye; he will see what a spicy pie can result from his fingers.

M. Derbes is one of the most useful aldermen of the first municipality. The frequenters of the council chamber will tell you that he scrupulously leaves his jokes at the door. It is a laudable sacrifice that he makes to the public cause. He knows upon what occasion to defend his opinions firmly. He expresses himself correctly in French; he speaks English a trifle better than I speak Chinese. But he is equal to it, nothing stops him. When he does not find the English word he doesn't lose time in deploring the poverty of that language, and I assure you that his opponents know it well. In discussion he carries the same courtesy, the same integrity that distinguishes him in his ordinary relationships. He understands humor and indulges in it with a charm which has

often captivated me. As a man of the public he is a good citizen, as a private man he is an agreeable companion.

* * * *

XIX

EDGAR MONTÉGUT

(*Courier*, March 15, 1847)

Translation by R. W. COLOMB

Mr. Montégut has been a Clerk of the Criminal Court, a member of the council, a member of the Legislature, and finally mayor of New Orleans; and yet, I was going to overlook him. I must confess that this would have been unpardonable. But then, I should have relied upon his kind and loyal countenance, and his pleasing appearance. With his easy going air, his familiar habits, his modesty, and his sincerity, it would be hard to believe that an evil thought could find lodgment within him.

It is this, probably, that has made him one of the most popular men in our city. He is not brilliant; there is nothing out of the ordinary about him; but "popularity inscribed its name upon his brow" and he became imbued with power. That's popularity! The gods are said to be capricious and to deliver their strokes just as so many others do, but Mr. Montégut knows how to parry the strokes. Ample proof of this was furnished by the last election.

Mr. Montégut had stirred up the wrath of his party's leaders by refusing to submit to their dictates. He scorned an alliance with them, and courageously chose a policy of isolation, a system which has its perils as well as its advantages, and which those who hold the English in hatred extol when they have nothing better to do. It was feared, and justly so, that his rash candidacy might revive the fable of the Iron Pot and the Earthen one.[1]

[1]An Iron Pot proposed
To an Earthen Pot a journey,
The latter was opposed ".....
.....
.....
Take care that you associate
With equals only, lest your fate
Between these pots should find its mate."

Le Pot de terre et le Pot de fer

Le pot de fer propose
Au pot de terre un voyage,
Il n'eût pas fait cent pas
Que par son compagnon il fut mis en éclats
Sans qu'il eut lieu de se plaindre.
Ne nous associons qu'avecque nos égaux"
La Fontaine p. 3-7.

But instead of digging his grave, his adversaries only succeeded in preparing for him one of those glorious defeats, the effect of which, is to place in relief the power of the vanquished. "Conquered, we conquer."[2]

I do not find in him a great amount of energy. "The will to do, the soul to dare," is to my mind, what constitutes a man. "Oh well for him, whose will is strong." Lack of this great force is often the secret of the ruin of the greatest minds. "They will, but have not the power." They desire, but dare not. They know how to think, but fear to act. They call the mountain, but if the mountain will not go to them, they will never go to it. Mr. Montégut's administration suffered from the effects of this condition, although nobody possesses a better knowledge of affairs than he. He writes English and French with equal facility, without style, however. His messages are seldom elegant, and are only, passably interesting as to form; but on the other hand, there is not one of them which does not show the untiring zeal, reveal the deep devotion, and confirm the pure intentions of a good magistrate.

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XX

WILLIAM FRERET**

Translation by R. W. COLOMB

I can recall the time when Mr. Freret could not appear before an assembly of people without stirring up a stamping of feet, and cheers; in a word, that tumult of approval with the feet, the hands, and vocal expression, which has always been the homage of the masses for those whom they idolize. Was it admiration? I will wager that Mr. Freret does not believe it so himself. Was it popularity? It was hilarity!

Nevertheless, I concede it. Men possessing talent, but without character, provoke only unpleasant sentiment. But, men

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[2]In 1845 Montegut had sought the nomination for Mayor.

At the election of 1844 (April 1) Montegut gained a victory receiving 557 votes and his rival Freret polling only 465.

"That Mr. Freret had received the majority of the bona fide votes" was the salutatory editorial of the Bee on the new administration.

Mr. Montegut lost to Mr. Crossman in the election of 4/5/46.

Crossman received	2989
Guirot received	2743
Montegut received	1614

"Let them rejoice over the results of yesterday's election," scornfully wrote the Bee. "Who can contemplate with satisfaction the prostitution of the ballot box, and the triumph of foreigners over the citizens of the State."

Kendall 1, pp. 158-60-62.

without talent, on the contrary, who are endowed with character, and who have the courage of their convictions, inspire profound sympathies. Mr. Freret is a man of strong convictions, disliking short cuts, when it is a matter of setting off his lofty independence.[1] Twice elected mayor of the metropolis of the Mississippi valley, he can assuredly maintain a good conceit of himself; and, especially of his friends. During the term of his administration, he always showed himself to be an upright magistrate, zealous, and prudent—Never haggling about duty—more nearly, however, approaching the role of a good chief of Police, than that of a great administrator. Although Mayor that he was, he would take up a man without much ceremony.

But that was his slightest fault.

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[1]M. Freret est un homme a conviction robuste n'aimamt point les chemins de traverse quand il s'agit de se dessiner d'une indépendance hautement installée.

**In order to be fair and truthful, telling the whole truth, it seems necessary to hear other parties in order to arrive at a correct estimate of the worth of Mr. Freret, civic and otherwise.

The author of these letters has sketched Mr, Freret too briefly. We know that these gentlemen belonged to opposite political groups, and that there was bitterness between the factions. Mr. Freret belonged to the American party, and L'Inconnu was doubtless an adherent of the Creoles, there seems to be bias here. Mr. Freret is charged with independence, and indifference to censure, and not without his faults, and unpopular.

The remarks published in the Picayune, a month following his election as mayor, and the writing of his biographer in Soards' Directory in 1852, are too favorable not to be noticed.

The sentiments of Mr. Freret were probably those ascribed to Beaumarchais "Loué par ceux-ci, blamé par ceux-la, me moquant des sots, bravant les méchants, je me presse de rire de tout . . . de peur d'être obligé d'en pleurer."

"Praised by these, censured by those, scorning the foolish ones, braving the evil minded, I hasten to laugh it all off, for fear of being obliged to weep over it." —R. W. C.

(TO BE CONTINUED)

LOUISIANA IN THE DISPUTED ELECTION OF 1876*

*By Fanny Z. Lovell Bone***
(Mrs. Hugh McCreary Bone)
Crowley, La.

FIRST INSTALMENT

FOREWORD

LOUISIANA'S part in the disputed presidential election of 1876, with its intense bitterness and violent partisanship, did not happen through *accident*, but was the logical outcome of a long train of events covering a period of sixteen years previous to that election. The following calendar will, perchance, refresh the reader's memory and prepare the way for a consideration of the end of reconstruction in Louisiana, which came because of, or in spite of, the inauguration of Rutherford B. Hayes on March 5th, 1877.

CALENDAR OF EVENTS, 1860 TO 1871, AFFECTING THE POLITICAL SITUATION IN LOUISIANA

Nov., 1860 Presidential Election; Louisiana Vote:

Lincoln	0
Douglas	7,625
Breckenridge	22,681
Bell	20,204[1]

*A thesis submitted to the faculty of Louisiana State University and Agricultural and Mechanical College, March 12, 1928, in partial fulfillment of the requirements for the degree of Master of Arts.

I take this opportunity to express to Professor Walter Prichard my deep appreciation of his unfailing help and guidance, and I sincerely thank the Library Staff for their courteous co-operation.

FANNY Z. LOVELL BONE.

NOTE BY EDITOR LA. HIST. QY. This thesis has been slightly altered for purposes of publication and additions have been made to the footnotes, both by the author and by the editor.

Attention is also called to the Editor's Chair in the April (1931) Quarterly for other reflections on the subject matter.—H. P. D.

**Mrs. Bone is a native of Michigan but has resided in Louisiana since childhood. She is a graduate of H. Sophie Newcomb Memorial College (1906). For the past six years she has taught latin and history in the Crowley High School.

[1]Fortier, Alcee, *A History of Louisiana*, IV, p. 3. Hereafter cited as Fortier.

Jan. 26, 1861	Ordinance of Secession adopted by Louisiana Convention: 113 to 17.[2]
March 4, 1861	Lincoln inaugurated. Confederate Commissioners, Forsyth of Ala., Crawford of Ga., and Roman of La., refused recognition by President Lincoln, April 8.[3]
April 12, 1861	Beauregard fired on Ft. Sumter. Civil War began.[4]
April 29, 1862	New Orleans officially captured.
May 1, 1862	Gen. Butler landed troops in New Orleans.[5] Martial law.
Dec., 1862	Gen. Butler superseded by Gen. Banks.[6]
1864	Election of Louisiana State officers—first dual regime. Feb. 22, Michael Hahn elected Governor by Federal or Banks party. Jan. 25, Gen. Hy. W. Allen elected Governor by Confederate Party.[7]
Mar. 15, 1864	Hahn invested with powers of Military Governor of Louisiana by President Lincoln.[8]
April-July, 1864	Constitutional Convention. E. H. Durell, President of Convention.[9]
Sep. 5, 1864	Constitution adopted.[10] "The city of New Orleans is really the State of Louisiana," said General Banks.
Oct. 3, 1864	Legislature met in New Orleans. J. Madison Wells, Lieutenant Governor and President of the Senate.[11]
Oct. 12, 1864	Resolution in Hahn's Senate ordering institution of criminal proceedings for crime of perjury or treason, or either, against Thos. O. Moore (Ex-Gov.), Hy. M. Hyams, T. J. Semmes, E. Warren Moise, Judah P. Benjamin, John Slidell, and all members of the Legislature in Dec., 1860, who voted for calling the convention to deliberate upon act of secession; also

[2]Fortier, IV, p. 3. Also *Ibid.*, Louisiana in Cyclopedic form (1914) Vol. II, p. 436 "Secession."
[3]Fortier, IV, p. 5.
[4]*Ibid.*, p.5.
[5]*Ibid.*, p. 20.
[6]*Ibid.*, p. 24.
[7]*Ibid.*, p. 39.
[8]*Ibid.*, p. 51.
[9]*Ibid.*, p. 52.
[10]*Ibid.*, p. 53.
[11]*Ibid.*, p. 55.

"all members of said convention who voted for or signed said act of secession, all judges of the supreme and inferior courts, public officers of the State, City, etc., who have not renounced their treasonable acts and returned to loyalty."[12]

Feb. 4, 1865 Congress refused to admit members from Louisiana, elected in 1864, and passed a joint resolution prohibiting the counting of any electoral vote for President and Vice-President in the election of 1864, from the seceded States.[13]

Feb., 1865 13th Amendment, abolishing slavery, submitted to States for ratification.[14]

Mar. 4, 1865 Lieutenant Governor Wells became Governor when Hahn resigned for a seat in United States Senate.[15]

Apr. 9, 1865 Gen. Robt. E. Lee surrendered at Appomattox.[16] Governor Allen, heartbroken, retired to Mexico.

Apr. 14, 1865 Assassination of President Lincoln.

May 29, 1865 President Johnson recognized as legal the government of Louisiana. Proclamation of amnesty and pardon. Oath of future loyalty.[17]

RECONSTRUCTION

Nov. 6, 1865 Election of Louisiana State officers: Governor, J. Madison Wells; Lt. Gov., Albert Voorhies; Legislature almost entirely Democratic—first political appearance of Henry C. Warmoth, elected to Congress by Radical Republicans who based claim on support of the negroes.[18]

Nov. 23, 1865 Louisiana Legislature assembled in extra session to consider validity of the 1864 constitution. Majority Report: 1864 constitution a creation of fraud and violence. Minority Report: 1864 Constitution valid. Randall Hunt and Henry Boyce elected United States Senators to replace Michael Hahn and R. King Cutler, who had not been seated.[19]

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[12] *Ibid.*, p. 57.
[13] *Ibid.*, p. 70.
[14] *Ibid.*, p. 70.
[15] *Ibid.*, p. 70.
[16] *Ibid.*, p. 61.
[17] *Ibid.*, p. 71.
[18] *Ibid.*, p. 72.
[19] *Ibid.*, p. 73

Mar. 12, 1866 Election of officials of New Orleans: Mayor, Jno. T. Monroe (Nat. Dem. Party). Election opposed by Gov. Wells.[20] Trouble in Louisiana. Dissatisfaction. Taxes. Agitation for new constitutional convention.

Mar. 22, 1866 Legislature adjourned without action on new constitution. Duncan S. Cage and James B. Eustis, Commissioners to Washington, advised that further agitation of convention question would seriously embarrass President's Johnson's reconstruction policy.[21] Radicals favored new constitution and reassembling Constitutional Convention of 1864.

July 7, 1866 Judge Rufus K. Howell (elected June 26, president pro-tempore) issued order for convention to meet July 30. (Howell, by resignation, had ceased to be member of convention of 1864 prior to its adjournment, and had not signed the constitution of 1864)[22]

July 27, 1866 Governor Wells issued proclamation for election to fill vacancies in the convention.[23] Radicals hoped right of suffrage would be given to negroes by reassembling of convention.

July 30, 1866 Riot—shot fired by negro in parade, police entered convention hall, forty-four negroes, four whites killed, one hundred, sixty-six wounded—excitement—intense racial feeling. Congressional Investigation Committee, Thos. D. Eliot, Samuel Shellabarger and B. M. Boyer. Majority report (Eliot and Shellabarger) blamed city and State officers and former rebels for shameful riot. Minority Report (Boyer) declared that the riot was provoked by incendiary speeches, acts and violence of Radical conventionists, and spoke harshly of Governor Wells' untimely departure from New Orleans "in the day of danger." Avowed purpose of conventionists was to enslave majority of white population, and to give political power to ignorant negroes.[24]

Feb., 1867 Bill in Congress for more efficient government of rebel states. Five military districts.

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[20] *Ibid.*, p. 75.
[21] *Ibid.*, p. 77
[22] *Ibid.*, p. 81.
[23] *Ibid.*, p. 82.
[24] *Ibid.*, p. 88.

Mar. 2, 1867 Above bill vetoed by President Johnson, but passed over his veto, known as the Reconstruction Act of 1867—harsh—severe punishment for whites of South.

Mar. 2, 1867 Supplementary Reconstruction Act; ordered commanders of military districts to cause to be made registration of voters who were citizens of the State, twenty-one years old, of whatever race, color or previous condition, who have been residents of said State for one year. Registration denied those disfranchised for participation in rebellion—oath of loyalty necessary for registrants—commanding general to appoint registration boards, consisting of three loyal officers or persons—commanders to order elections for delegates to constitutional conventions, whose constitutions were to be ratified by a majority of registered voters, copies to be sent to Congress through the President, after which Senators and Represenatives from "the rebel states" would be admitted to Congress if it was satisfied that the elections had been "free and legal."

Mar., 1867 Joint resolutions against Reconstruction Acts passed by Louisiana Legislature, vetoed by Governor Wells, who issued a proclamation upholding Reconstruction Act in Louisiana—"elections void except when in conformity . . ."[25]

Mar., 1867 Lt. Governor Voorhies: "Our whole people must have themselves registered under the Military Bill and turn out in force to control the elections and take charge of the organization of our State government."[26]

Mar., 1867 Louisiana Legislature unanimously refused to ratify the 14th Amendment.

Mar. 27, 1867 General Sheridan, who had ordered that the election of Mar. 11, 1867, should not take place, removed from office Attorney General A. S. Herron, Mayor Jno. T. Monroe, Judge Edmund Abell, and on June 3, 1867, removed from office with harsh criticism, Governor J. Madison Wells,[27] and appointed in his place Benjamin F. Flanders.

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[25] *Ibid.*, p. 96.
[26] Lt. Gov. Voorhies' letter to Gov. Throckmorton of Texas. Fortier, IV, p. 98.
[27] Fortier, IV, p. 101.

July 31, 1867 — Registration of voters in Louisiana under new laws:

Whites 44,732
Colored 82,907

Fate of Louisiana predetermined by such an electorate.

Sept., 1867 — Election for holding constitutional convention:

Convention 75,038
Anti-convention 4,006

Nov., 1867 / Mar., 1868 — Constitutional Convention. New Constitution adopted. Constitution, 51,737; Anti-constitution, 39076. Article 99 offensive to whites. Election laws.[28] Provisions for Board of Registration. Returning Board.

1868 — State officials: Governor Henry C. Warmoth. Lieutenant Governor Oscar J. Dunn (negro).[29]

June, 1868 — Louisiana Legislature tried to exclude Democrats by test oath—failed—Republicans, 76; Democrats, 61. 14th Amendment ratified by Legislalature. William Pitt Kellogg and John S. Harris elected as United States Senators.

1868 — Metropolitan Police Bill passed by the Legislature. Three negroes appointed by Gov. Warmoth on board of five police commissioners.[30]

Nov., 1868 — Political disturbances in Northern Parishes—call for Federal troops issued by Gov. Warmoth. Knights of White Camelia (Caucasian Club) a forerunner of "White League" pledged to white supremacy. Union (Loyal) League composed of negroes.[31]

Feb., 1869 — 15th Amendment ratified by Louisiana Legislature.

1870 — Article 99 of 1868 Constitution abrogated. Election laws modified, but Returning Board, self-perpetuating, still to consist of Governor, Lieutenant Governor, Secretary of State and John Lynch and Thomas C. Anderson.[32]

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[28] Rhodes, James Ford; *History of United States, 1850-1896*, VII, p. 173. (Cited hereafter as Rhodes). *Convention Journal*, 1868, p. 309.

[29] Fortier, IV, p. 107.

[30] *Ibid.*, p. 110.

[31] *Ibid.*, p. 113.
Shippee, Lester Burrell; *Recent American History*, p. 10. (Cited hereafter as Shippee).

[32] Election Laws, 1870, Sec. 54, *Digest of Statutes of Louisiana*, A-H, p. 577.

1871 Dissension among Republican politicians, Senate in extra session elected Warmoth's partisan, P. B. S. Pinchback, (negro) President of Senate and ex-officio Lieutenant Governor.[33]

Republican party composed of negroes, carpet-baggers and a small number of native whites—negroes real basis of party at ballot box.[34]

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[33]Fortier, IV, p. 117.

[34]Rhodes, VII, p. 168.

NOTE BY THE EDITOR OF THE QUARTERLY—It is now recognized that all the so-called carpet-baggers were not of the same kind. Many men and women of that immigration became good citizens of Louisiana, though supporting the policies of the Republican party. See Dart, *Major William Grant*, La. Hist. Qy. 7, 658, Oct., 1924.

CHAPTER I.

POLITICAL BACKGROUND, 1872-1876

THE history of Louisiana from 1872 to 1876 is a sickening tale of extravagance, waste, corruption, fraud and misgovernment. The stage was set, the actors were letter perfect. The combination of alien thieves* and former bondmen, encouraged to boldness by the Reconstruction Acts of 1867, by the Constitution of 1868, by the election of two colored Lieutenant Governors, by the appointment of three colored Metropolitan Police Commissioners was further intrenched and strengthened by the fact that the existing corrupt government was maintained by Federal authority.[35] Gross mismanagement of state affairs was furthered by the centralized political system constructed by the state constitution and its resultant legislation, which placed almost unlimited powers in the hands of the governor. To make a bad situation worse, the executives of Louisiana were for the most part men unworthy of such high estate.

The year 1872 began inauspiciously for Louisiana with a conflict in the Legislature between the Packard-Carter and the Pinchback-Warmoth factions of the Republican party. After the Warmoth Legislature was victorious, Congress sent a committee to New Orleans to investigate and report upon the situation, a habit which was to become so fixed a custom for the next few years that the appointment of a Louisiana Investigation Committee or the report from said committee might almost have been included in the regular order of business of either national house. In August a fusion party composed of the Democrats, Reformers and Liberal Republicans (Warmoth) nominated the following ticket: For Governor, John McEnery; for Lieutenant Governor, D. B. Penn; for Attorney General, Horatio N. Ogden; for Auditor, James Graham; for Secretary of State, Samuel Armistead; for Superintendent of Public Education, R. M. Lusher. The Pinchback and Packard factions of the Republican party, having effected a fusion, nominated: For Governor, Wm. Pitt Kellogg; for Lieutenant Governor, C. C. Antoine, (colored); for Attorney General, A. P. Field; for Auditor, Charles Clinton; for Secretary of State, P. G. Deslondes, (colored); for Super-

[35]Rhodes, VII, p. 172.

*It is a lamentable fact that many native whites were in this combination. —Edit. La. Hist. Qy.

intendent of Education, Brown (colored); for Congressman at Large, P. B. S. Pinchback, (colored).[36]

Both parties claimed the election, but because of the Louisiana election law providing for the revision of returns by the Returning Board,[37] the governor could canvass the returns in favor of his own party. Warmoth, dissatisfied with the existing returning board, reorganized it to consist of P. S. Wiltz, J. E. Austin, Gabriel de Feriet, Thomas Isabel, J. A. Taylor, and in due time this new board declared McEnery and a Democratic legislature elected.[38]

The whole question of the Returning Board was, in 1872, like the game "Button! Button! Who's got the button?" and a brief consideration of the matter is not amiss at this point. In accordance with the Louisiana constitution of 1868 and the subsequent revised election laws of 1870, the legal returning board vested with power to canvass and promulgate the returns of all elections consisted of the Governor, Lieutenant Governor, Secretary of State, John Lynch and Thomas C. Anderson. When the returns of the November, 1872, election were sent to this board, Pinchback, (ex-officio lieutenant governor) and Anderson, both candidates for office, were disqualified to act as members and the office of Secretary of State was in dispute. On November 13, 1872, Governor Warmoth and Wharton, (quasi secretary of state) appointed Hatch and Daponte in place of Pinchback and Anderson, making the Returning Board consist of Warmoth, Wharton, Hatch, Daponte and Lynch. Thereupon Lynch and Herron (another quasi secretary of state) appointed General James Longstreet and Jacob Hawkins to fill the vacancies of Pinchback and Anderson and declared that the legal Returning Board consisted of Warmoth, Herron, Lynch, Longstreet and Hawkins. On November 20, Governor Warmoth signed and promulgated the new election law which had been awaiting his signature since March, 1872. This law provided for a returning board of five members to be elected by the Louisiana Senate, the board being empowered to fill vacancies as they occurred. Warmoth then appointed the de Feriet returning board,[39] basing his right to do so upon the fact that the Legislature was not in session.

[36] Fortier, IV, p. 122.

[37] Ante.

[38] Appleton's *Annual Cyclopaedia*, 1873, p. 447; 1872, p. 481, p. 486. (Cited hereafter as *Annual Cyclopaedia*).
Rhodes, VII, p. 174.
Fortier, IV, p. 123.

[39] Ante.

An extra session of the Legislature met, December 9, 1872, and elected still another returning board, to consist this time of S. M. Todd, O. P. Hunsaker, S. M. Thomas, B. R. Forman and Archibald Miller.[40] Judge E. H. Durell of the United States District Court issued an out of court, late at night, order ousting the legislature returned by the de Feriet board and placing the Mechanics Institute, used as the State House, in possession of Kellogg, and the Legislature returned by the Lynch board. Governor Warmoth was impeached and suspended from office pending his impeachment trial for high crimes and misdemeanors, and Pinchback, who was not the legal lieutenant governor, assumed the office of governor of Louisiana and was so recognized by President Grant. The Supreme Court of Louisiana decided that for the election of November, 1872, the Warmoth-Herron-Lynch-Longstreet-Hawkins Returning Board was the legal organ, and that the new election law of 1872, signed November 20, 1872, after the elections of that year were over, could apply only to future occasions, was not, in short, retroactive.[41] On February 11, 1873, the Louisiana Senate elected the following Returning Board: J. Madison Wells, John Lynch, General James Longstreet, Gadane Casanave (colored) and Louis M. Kenner (colored). This was the basis of the "infamous" Returning Board that canvassed and promulgated the returns of the disputed election of 1876.[42]

On January 7, 1873, the rival legislatures were established, the body returned by the Lynch board in the regular State House quarters at the Mechanics Institute, and the de Feriet legislature in temporary quarters at Odd Fellows Hall.[43] On January 14, the rival governors were inaugurated, Wm. Pitt Kellogg by the Re-

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[40]New Orleans *Republican*, Sept. 18, 1873.

[41]New Orleans *Times*, Jan. 24, 1873.

[42]My authorities for this account of the returning board dispute are:
Rhodes, VII, p. 174.
Shippee, p. 13.
Fortier, IV, pp. 120-132.
Annual Cyclopaedia, 1872, p. 486; 1873, pp. 444-446.
Senate Report No. 457, 3rd Session, 42nd Congress.
New Orleans *Republican*, Sept. 18, 1873.
New Orleans *Times*, Jan. 24, 1873.

NOTE BY EDITOR QUARTERLY—This misconduct of Durell, has been condemned by all writers on the subject. He later resigned his office to escape impeachment. An interesting account of the entire affair will be found in Governor Warmoth's book *War Politics and Reconstruction, McMillan & Co., N. Y., 1930.* See also W. O. Hart in Semi-Centennial of the 14th September, 1874, La. Hist. Qy., 7, pp. 571-576, Oct., 1924.—ED. LA. HIST. QY.

[43]Fortier, IV, p. 134.
Annual Cyclopaedia, 1873, p. 445.
New Orleans *Times*, Jan. 8, 1873.

publicans at Mechanics Institute, and John McEnery by the Conservatives in Lafayette Square. Almost the entire white population of New Orleans assisted in the McEnery inaugural, and the citizens declared themselves ready to defend their representatives against any force except United States troops. There was a complete cessation of business. People thronged Lafayette Square. The artillery were harnessed and ready for action at their place of rendevous. The United States troops were equally prepared for action, the Metropolitan Police were under arms and the principal streets were patrolled by soldiers.[44] The fight for supremacy was on. Louisiana was in the throes of a struggle that was to wreck her, almost ruin her. Who would win? President Grant made the first move by recognizing the Kellogg government.

The United States Senate Committee on Privileges and Elections[45] presented a majority report on the subject February 20, 1873, with the following conclusions: (1) There is no state govgovernment at present existing in the State of Louisiana. (2) Neither John Ray nor W. L. McMillen is entitled to a seat in the United States Senate, neither having been elected by the legislature of Louisiana. (3) Committee recommends the passage of bill S1621 declaring null and void the Louisiana election of November 4, 1872, and providing for another election, May, 1873.[46] On February 25, 1873, President Grant sent a message to Congress[47] defending his action in recognizing the Kellogg government. In part, the message said:

> "A full set of State officers installed, and a legislative assembly constituting if not a de jure, at least a de facto government, since last December has had possession of the State offices and has exercised the powers of government. Opposed to this has been another government organized pro forma claiming to control the affairs of the state. Recent investigation has developed so many frauds it is difficult to say what candidates received the majority of votes actually cast. It is my duty to adhere to the government heretofore recognized by me unless I am ordered otherwise by Congress."[48]

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[44] *Annual Cyclopaedia*, 1873, p. 445.
New Orleans *Times*, Jan. 16, 1873.
[45] 3rd Session 42nd Congress, Senate Journal, p. 30.
Morton, Carpenter, Alcorn, Hill, Anthony, Trumbull and Logan.
[46] 3rd Session, 42nd Congress, Senate Report 457, p. 51.
[47] 3rd Session, 42nd Congress, Senate Journal, p. 486.
[48] *Ibid.*, p. 462.

Thus began the saddest chapter in this melancholy business, the interference of Federal authority with the affairs of Louisiana.[49] One historian of the period says: "Of all alternatives, the President chose the worst."[50] While it is true that subsequent events seem to show that substantial justice would have been done by withdrawing the President's support from Kellogg, which would probably have been followed by a bloodless revolution putting the McEnery government in power, and although the facts at hand indicate that the McEnery majority of 10,000 was "the fairly expressed will" of the people of Louisiana,[51] and that the Kellogg government could be, and was sustained only by bayonet and sword, this narrative is concerned with what really happened, and not with what might have been. President Grant, January, 1873, upheld and recognized as legal, the Lynch returning board and the governor, officials and legislature returned by them. Thanks therefore to Grant the Republicans remained in the saddle in Louisiana.

Disturbances throughout the State, at Colfax, at St. Martin, at Coushatta, and elsewhere in the parishes were part of the result. The White League, first organized at Opelousas,[52] April, 1874, was the crystallization of the belief held by the majority of the white citizens that the salvation of Louisiana lay in overthrowing the rule of the negro and of the Republican party which meant in 1874, Kellogg, and two colored men, Pinchback and Antoine. White Leagues were formed in other parts of the State, and in August, 1874, a convention of the "white people of Louisiana" at Baton Rouge endorsed these organizations in no uncertain terms.[53] On September 14, occurred the New Orleans uprising, headed by the Crescent City White League, of which Frederick Nash Ogden was president. The Kellogg government was overthrown, and for a few hours the McEnery forces were in possession of the State House.* On September 15, President Grant issued a proclamation commanding "the turbulent and disorderly people to disperse—and to submit to the constituted

[49]3rd Session, 42nd Congress, Senate Report No. 457, p. 9.

[50]Rhodes, VII, p. 175.

[51]Trumbull's dissenting minority report. Senate Report No. 457, p. 85.

[52]Le Carillon, May 17, 1874. Cited by Fortier, IV, p. 135.

[53]Fortier, IV, p. 137.

NOTE BY THE EDITOR OF THE QUARTERLY—*Chambers History of La.*, 1, 679 gives the inception of the belief an earlier date. The White League was only the successor of earlier organizations with like purpose.

*See Semi-Centennial of the 14th Sept. 1874, La. Hy. Qy., 7, 571-657, Oct. 1924. and *Kendall Hist. of N. O.*, 1, 358-375.—Ed. La. Hist. Qy.

authorities of the State." Troops and men-o'-war were started to New Orleans, and on September 17 the State Capital was surrendered by Governor McEnery to General Emory. President Grant had again upheld, defended and recognized as the state government of Louisiana Wm. Pitt Kellogg and his colleagues.[54]

The white people of Louisiana were taking desperate steps, possibly ill-considered steps, to redress their grievances, but they were convinced that only by such desperate means could Louisiana be wrested from the grasp of unscrupulous politicians and ignorant negroes.[55] The fall elections took place in the midst of much excitement; the White Leaguers were grimly determined to assert their supremacy at the polls, while the Radicals[56] were equally anxious to make capital of the advantage given them by Federal support. On the face of the returns the Conservatives[57] had a majority in the legislature, and for Moncure, candidate for State Treasurer, but the Returning Board threw out so many Conservative votes that they left the result as follows: For the House of Representatives, Conservatives, fifty-three; Radicals, fifty-three; undecided,[58] five, and for State Treasurer a majority of almost one thousand votes for Dubuclet, the colored Radical candidate. The Returning Board gave as the grounds for throwing out so many Conservative votes, intimidation and fraud, terms that were to become common political parlance in Louisiana. The 1874 Returning Board changed its personnel during the canvas of this election. Oscar Arroyo, a Conservative, was elected to fill the place of Sandige who, having been chosen to fill General Longstreet's place, declined to serve.[59] Arroyo, although protesting at the action of the board, served until December 25, 1874, when he resigned,[60] because he was the only Conservative on a returning board with four Radicals: J. Madison Wells, Thos. C. Anderson, Gadane Casanave and Louis M. Kenner. These four men, all of one political party, did not fill the vacancy made by Arroyo's resignation and constituted the Returning Board of 1876.

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[54] *Ibid.*, IV, pp. 138-161.
Rhodes, VII, p. 178.
Annual Cyclopaedia, 1874, p. 479.

[55] Appendix A1. At the end of this chapter. Address to people.

[56] Name given Louisiana Republicans during Reconstruction.

[57] Name given Louisiana Democrats during Reconstruction.

[58] Rhodes, VII, p. 178.
Fortier, IV, p. 164, gives 54 Radicals, 52 Conservatives and 5 undecided.

[59] New Orleans *Republican*, Nov. 15, 1874.

[60] *Ibid.*, Dec. 25, 1874.

The disgraceful scenes in the State House on January 5, 1875, when the Legislature assembled fanned the excitement in Louisiana, and caused unfavorable comment throughout the Union.* The lower house of Congress had appointed in

*The Democrats organized the House of Representatives and elected Louis A. Wiltz Speaker. Under the orders of U. S. Marshall S. B. Packard, the Federal troops invaded the Hall, commanded by Colonel de Trobriand, and physically evicted Wiltz and certain Democratic members.

A contemporanium publication by Edward Booth entitled "How It Was Done" reflects the sp[illegible]f the Conservatives.—ED. LA. HIST. QY.

HOW IT WAS DONE

Hon. L. A. Wiltz, of Orleans, Speaker of the House, having, from his chair, refused to call, or allow to be called by the Clerk of the House, Mr. Trezevant, or the person—one Vigers—designated in General De Trobriand's orders, any roll, or list, of persons, for the purpose claimed, of identifying certain Members of the House, duly sworn, with a view to their expulsion by the Army of the United States, General De Trobriand, in full uniform, with sword by his side, preceded by Mr. Campbell, self stated to be an agent of Gov. Kellogg, and accompained by Mr. Anderson, a Member of the Returning Board, who, together, acted as detectives and identifiers, appeared in the presence of certain Members of the House, to-wit:

Messrs. JOHN O. QUINN,
F. R. VAUGHN,
G. W. STAFFORD,
J. JEFFRIES,
R. S. LUCKETT,
C. C. DUNN,
G. A. KELLY,
J. J. HORAN,
AND A. D. LAND,

where they sat in their respective places, and did then and there, placing his hand on each gentleman addressed, put to him, substantially, the following questions:

1st—Your name?

2nd—Have you been returned by the Returning Board? or, as in one instance, the following: Do you acknowledge that you have not been returned by the Returning Board?

3rd—My orders being to eject you from the Hall of the House of Representatives, do you yield at once, or shall I apply force to you by calling within the bar a file of soldiers?

4th—There is the captain with his soldiers; you will retire. And so on to the ninth member, (Mr. Land), were these gentlemen thus ignominiously arrested, and despite their public protests, their appeals to the Speaker and the House for protection, (which neither could afford), forced from their seats, at the point of the bayonet, by the soldiers of the United States.

Seeing that the difficulty of identifying Members for expulsion was becoming great, the said Campbell demanded that those whom he recognized as Members should all stand on one side, for his convenience of selecting, but he was warmly informed by a Representateive that he was himself an intruder, and without right or warrant to be upon the floor of the House, much less to dictate to Members where or why they should stand or sit.

Thereupon, still professing to act in the name and in place of Kellogg, said Campbell demanded from Gen'l De Trobriand, that he should intervene force between Speaker Wiltz and Vigers that the latter might read a roll or list of persons, as stated in the commencement of this narrative, and for the furtherance of the same object of identification and extrusion.

It may be conceived that the supreme moment for the Speaker to vindicate the imperiled rights of the House had at length arrived; therefore, when a file of United States soldiers, with fixed bayonets, came to an "order arms" before his seat, he arose therefrom and spoke as follows:

"As the legal Speaker of the House of Representatives of the State of Louisiana, I again protest against the invasion of our Hall by the soldiers of the United States, with loaded muskets and fixed bayonets.

"We have seen our brother Members violently seized by force of arms and torn from us in spite of their solemn protest. We have seen a file of soldiers march up the aisle of the Hall of the House of Representatives of Louisiana, and have protested against this, in the name of a once free people. In the name of the down-

December, 1874, a special committee to investigate conditions in the Southern States, and this Special Committee[61] had sent to New Orleans Foster, Phelps, Potter and Hoar. Their report[62] declared that "no general intimidation of Republican voters was established;"[63] that "there was a general want of confidence in the integrity of the Kellogg officials;"[64] that the Conservatives, on their good behaviour, used propitiation in an effort to acquire part of the colored vote, and that the election had been free and peaceable with a full registration of voters; that a clear Conservative majority had been elected to the lower house of the state legislature, but had been deprived of said majority by the unjust, illegal, arbitrary action of the Returning Board;[65] that all the white citizens of Louisiana would readily co-operate to overthrow the Kellogg government;[66] that the substantial citizens of Louisiana were anxious for a firm and good government, were seeking peace;[67] that the White League of the city of New Orleans was an organization of reputable property holders whose purpose was protective, whose origin was necessity.[68]

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trodden State of Louisiana, I again enter my solemn protest.

> "Gentlemen, the Chair of the Speaker of the House of Representatives of the State of Louisiana, is surrounded by United States troops! The Hall of the House of Representatives is in positive possession of armed forces! And I call upon the Representataives of the State of Louisiana to retire, with me, from their presence."

The treasonable acts of these subvertors of public liberty, being thus perfected, the Hon. Speaker, in company with all the Democratic-Conservative Members, left the Hall—no longer of Representatives, of the General Assembly of Louisiana.

If we have dwelt thus at some length upon the mere details of the overthrow of a soveriegn State, and her reduction to be a province of a central, armed, irresponsible government, it is that other States may see and know the process whereby their own overthrow can be most readily accomplished.

Louisiana, enslaved by the arms originally intended, and once victoriously used for her defense, can but remind New York, Pennsylvania, Ohio, and her other sister States, that, in the language of President Lincoln: "This Country cannot remain part slave and part free." And that, when the soldiers of the United States entered her Hall and expelled the lawfully elected Members of her House, they constructively entered every Legislature, and dismissed at the point of the bayonet the Assembly of every State in the Union. Nor is it extravagant to say that even the Houses of Congress, honorable and eminent as they may be, are not too exalted to be subjected to a similar subversion in a similar emergency.

EDWARD BOOTH,
Sub-Committee and Representative from First Ward, Parish of Orleans.
January 5th, 1875.

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[61] Geo. F. Hoar, Wm. A. Wheeler, Frye, Foster, Phelps, Potter and Jas. C. Robinson.

[62] 2nd Session, 43rd Congress, House Journal, p. 74.

[63] 2nd Session, 43rd Congress, House Report 101.

[64] *Ibid.*, p. 5.

[65] *Ibid.*, p. 7.

[66] *Ibid.*, p. 8.

[67] *Ibid.*, p. 9.

[68] *Ibid.*

[69] 2nd Session, 43rd Congress, House Report, 101, p. 9.

The Special Congressional Committee immediately sent Hoar, Wheeler and Frye and Samuel S. Marshall to New Orleans to make further investigation of the deplorable situation there,[69] and out of their visit grew the Wheeler Adjustment, generally known as the Wheeler Compromise. This second delegation submitted to the United States House of Representatives on February 23, 1875, a report[70] recommending (1) that the House of Representatives take immediate steps to remedy the injustice and to place the persons rightfully elected in their seats; (2) that Wm. Pitt Kellogg be recognized as Governor of Louisiana until the end of his term of office.[71] The report set forth that the Louisiana election of 1874 was not free, fair, full or peaceable;[72] it expressed emphatic disapprobation of the Returning Board's proceedings which changed the political majority in the State House of Representatives, and equally emphatic disapproval of the January 5 attempt to set this wrong right;[73] the report praised J. Madison Wells for his loyalty to the Union and added that Kellogg was the heir to a great evil bequeathed him by his predecessor. In discussing the elections of 1874, the report quotes handbills written in French, *"Louisianois; Pour sauver votre patrie, il faut renvoyer les negres. Par le faim, animal le plus feroce est dompte."*[74] The whole tenor of the Hoar report is adverse to the action and government of the Louisiana Conservatives. The partisan spirit which was to taint the dispute for the presidential office in 1876-77, was here evident—the majority of the members of the first delegation were Democrats, and they returned a decision overwhelmingly damaging to the Republicans—the majority of the members of the second delegation were Republicans and the result of their investigation was an indictment of the Democrats. Hoar was too honest, however, to suppress facts detrimental to the Republican party, and his committee report stated that a "Louisiana Governor is in office who owes his seat to interference by national power, which has recognized his title to office not by legal process, but has based its action solely on the illegal order of Judge Durell."[75]

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[69] *Annual Cyclopaedia*, 1875, p. 457.

[70] 2nd Session, 43rd Congress, House Report No. 261.

[71] *Ibid.*, p. 5.

[72] *Ibid.*, p. 19.

[73] *Ibid.*, p. 21.

[74] "Louisianians, to save your country, do not employ the negro. Wild beasts can only be tamed by hunger."

[75] House Report, No. 261, p. 25.

Realizing that conditions in Louisiana politics were fast becoming intolerable, and that Louisianians themselves were the sufferers, forty-four Conservative members of the Legislature agreed to the Wheeler Adjustment,[76] after which, the National House of Representatives adopted resolutions recognizing Kellogg,[77] and the United States Senate approved the President's action in protecting and recognizing the Kellogg government.[78] The Wheeler Adjustment[79] was at best a compromise between the opposing factions; it did not settle anything, but glazed the surface of the trouble. The Conservatives now had a majority in the House, while the Senate remained Republican. The Conservatives promised not to disturb the "present State Government, without approving the same." From March, 1875, to December, 1876, the McEnery supporters tolerated but did not acquiesce in the Kellogg administration.[80] The Conservative attitude is summed up by the *Louisiana Democrat* as follows:

> "Apparent and superficial quiet in the State is supposed to proceed from the satisfaction and content that the Wheeler Adjustment has produced. This Trojan horse in the Democratic City has accomplished the temporary ruin of Louisiana."[81]

The fall of 1875 witnessed a general spread of unrest in the parishes.[82] Disturbances were reported daily, in which the white planters of East Baton Rouge, West Feliciana, East Feliciana and Ouachita "terrorized" the blacks and their carpet-bagger friends of those parishes.[83] The planters testified[84] that there was nothing political about these occurrences, that the negroes were stealing cotton from the fields and hogs from the woods, that country store keepers were buying these stolen goods, and that they, the rightful owners, were pursuing the only possible plan to protect their property. Negroes were whipped by bands of unknown men, stores were burned at night, court was ad-

[76] *Annual Cyclopaedia*, 1875, p. 457.

[77] 2nd Session, 43rd Congress, House Journal, p. 606.

[78] 2nd Session, 43rd Congress, Senate Journal, p. 468.

[79] Appendix A2, at the end of the chapter. Wheeler Adjustment.

[80] Rhodes, VII, p. 191.
Annual Cyclopaedia, 1875, p. 458.
Dunning, Wm. Archibald. *Reconstruction, Political and Economic*, XXII, p. 276. (Cited hereafter as Dunning).

[81] *Daily Picayune*, Dec. 10th, 1875.

[82] *Louisiana Democrat*, Dec. 29, 1875.

[83] The "Parish" subdivision corresponds to "County" in other states.

[84] *Daily Picayune*, Oct. 7, 8, 9, 10, 14, 20, 1875.

[85] 2nd Session, 44th Congress, House Misc. Doc. No. 34, page 5.

journed at Clinton because of alleged insults offered to white people by the negro sheriff;[85] John Gair, colored, and his sister-in-law, Babe Matthews, were forcibly taken from a sheriff's posse and killed.[86] Bands of white vigilantes, known as regulators, and later characterized as bulldozers, were formed with the avowed purpose of maintaining order and peace.[87] The political significance of these disturbances is two-fold: the white people of Louisiana, fighting for white supremacy laid the thievery and lawlessness of the negroes at the door of the Republican party;[88] the Republicans accused the white Conservatives of committing these "outrages" for the purpose of intimidating the colored vote. In November, P. B. S. Pinchback was refused a seat in the United States Senate because of his color;[89] in December General W. L. McMillen, elected to the United States Senate by the Conservatives, withdrew his credentials,[90] and Morey, a carpet-bagger, holding a certificate signed by Governor Kellogg, was seated as Senator from Louisiana.[91]

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[55]APPENDIX A-1

Taken from an address to the People of the United States by a committee representing the McEnery Government, dated September 23, 1874.—Appleton, *Annual Cyclopaedia*, 1874, p. 484, *Origin and Objects of the "White League."*

It will be remembered that the white militia of New Orleans had been disbanded, their arms taken from them, and an exclusive negro militia organized in their stead. By an infamous State law, the Metropolitan Police for whose support an enormous tax is levied on the City exclusively, had been taken from under the control of the Mayor and made subject to the orders of the Governor alone. This body was used to intimidate and overawe the citizens, to guard the residences and persons of timorous officials, and to dragoon the parishes whenever any political scheme required it. The white people of a state that is stripped of every means of defense, were threatened moreover by a formidable oath-bound league of blacks, which, under command of cunning and unscrupulous negroes,

[85]*Daily Picayune*, Oct. 11, 1875.
[86]*Louisiana Democrat*, Oct. 20, 1875.
[87]*Daily Picayune*, Oct. 14, 24, 1875.
[88]*Louisiana Democrat*, Oct. 27, 1875.
[89]*Daily Picayune*, Nov. 23, Dec. 3, 8, 13, 22, 1875.
NOTE BY EDITOR QY.—The Senate did not however base its action on that ground.
[90]*Ibid.*, Dec. 10, 11, 16, 1875.
[91]*Ibid.*, Dec. 7, 22, 1875.

might at any moment plunge them into what they were most anxious to avoid, "a war of races."

The incessant demand for offices from the City, State, and General Governments for which they proffered no other title than that of color; the development in their conventions of a spirit of proscription against white Radicals, and even against honorable Republicans who had fought for their liberties; their increasing arrogance which knew no bounds; their increasing dishonesty, which they regarded as a statesmanlike virtue; that contemptuous scorn of all of the rights of the white man, which they dared to trespass upon—all these signs, as set forth in the platform of the Crescent City White League, warned us that the calamity we had long apprehended was imminent and that we must either prepare for or perish under it.

With the hope, as distinctly and openly declared, that a timely and proclaimed union of whites as a race and their preparations for any emergency might arrest the threatened horrors of a social war, the White League was formed, its object being, as publicly set forth, to assist in restoring an honest and intelligent government to the Stae of Louisiana, and by a union with all other good citizens to maintain and defend the Constitution of the United States and the State, and to maintain and protect our rights and the rights of all citizens.

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[79]APPENDIX A-2

Wheeler Compromise.—Appleton, *Annual Cyclopaedia,* 1875, p. 457.

"Whereas, It is desirable to adjust the difficulties growing out of the general election in this State in 1872; the action of the Returning Board in declaring and promulgating the results of the general election in the month of November last and the organization of the House of Representatives on the 5th of January last; such adjustment being deemed necessary to the reestablishment of peace and order in the State:

"Now, therefore, the undersigned members of the Conservative party, and claiming to have been elected members of the House of Representatives, and that their certificates of election have been illegally withheld by the Returning Board, hereby severally agree to submit their claims to seats in the House of Representatives to the award and arbitrament of George F. Hoar, William A. Wheeler, William P. Frye and Samuel S. Marshall, members of the Congressional Committee now in New Orleans, who are hereby authorized to examine and determine the same upon the equities of the several cases; and when such award shall be made we hereby severally agree

to abide by the same, and such of us as may become members of the House of Representatives under this arrangment hereby severally agree to sustain, by our influence and votes, the joint resolution hereinafter set forth. And the undersigned, claiming to have been elected Senators from the Eighth and Twenty-second Senatorial Districts, hereby agree to submit their claims to the foregoing award and arbitrament, and in all respects to abide the results of the same; and the undesigned holding certificates of election from the Returning Board hereby severally agree that, upon the coming in of the award of the foregoing arbitrators, they will, when the same shall have been ratified by the report of the committee on Elections and Qualifications of the body in session at the State House, claiming to be the House of Representatives, attend the sittings of said House for the purpose of adopting said report, and if said report shall be adopted and the members embraced in the foregoing report shall be seated, then the undersigned severally agree that immediately upon the adoption of said report they will vote for the following resolution:

"Whereas, Doubts have existed, and still, exist, as to the legal results of the election in this State in the month of November, 1872; and—

"Whereas, It is alleged, and by a large portion of this State believed, that the result of the election of members of the House of Representatives and for Treasurer, in the month of November last, was illegally determined and promulgated by the Returning Board; and—

"Whereas, These doubts, allegations, and belief, have tended greatly to disturb the public mind and unsettle confidence and injuriously to affect the material interests of the State; and—

"Whereas, It is deemed necessary to the welfare of the State that an adjustment of the foregoing difficulties should be effected; therefore be it hereby

"Resolved by the General Assembly of the State of Louisiana, that said Assembly, without approving the same, will not disturb the present State government, claiming to have been elected in 1872, known as the Kellogg government, or seek to impeach the Governor for any past official acts, and that henceforth it will accord to said Governor all necessary and legitimate support in maintaining the laws and the advancing the peace and prosperity of the people of this State; and that the House of Representatives as to its members, as constituted under the award of George F. Hoar, William A. Wheeler, William P. Frye and Samuel S. Marshall, shall remain without change, except by resignation or death of members, until a new election; and that the Senate as herein recognized shall also remain unchanged, except so far as that body may itself make change on the contests."

The foregoing was agreed to in caucus of the Conservative

members by a vote of 39 to 27, and the following conditions were appended by consent of both sides:

1. "That the Conservatives were not to be bound by their acceptance unless the propositions were also accepted by the Republicans, and satisfactory guarantees given.

2. "The Congressional Committee, or Judge Wheeler, should remain in New Orleans for the purpose of having the adjustment practically effected."

CHAPTER II.

CONVENTIONS AND PLATFORMS, 1876

I. National Conventions

THE first National Convention of 1876 was held by the Prohibition Party in Cleveland, Ohio, on May 17, and nominated for President, Green Clay Smith of Kentucky. This convention adopted a prohibition reform platform.[92]

The Independent National, or Greenback Party, held its first National Convention at Indianapolis, May 18, 1876, and nominated for President, Peter Cooper of New York. This convention adopted a platform known as the "Ohio Idea," vigorously demanding the repeal of the specie-resumption act of 1875.[93]

The National Republican Convention met in Cincinnati on June 14, and on the seventh ballot nominated for President, Rutherford B. Hayes, for Vice-President, William A. Wheeler. President Grant's aspirations for a third term had been defeated ever before the meeting of the Convention,[94] and at the outset James G. Blaine seemed to be the favorite son, with Benjamin H. Bristow a close second.[95] The Louisiana delegation[96] voted on the seventh ballot as follows: fourteen for Blaine, two for Hayes.[97] S. B. Packard of Louisiana was appointed on the committee to go to Ohio to notify Mr. Hayes of his nomination, and Wm. Pitt Kellogg accompanied the notification party. The Republican Convention adopted resolutions upholding the Republican administration and denouncing the Democratic Party.[98]

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[92]Stanwood, Edward, *A History of the Presidency, 1788-1897*, p. 365. (Cited hereafter as Stanwood). *Annual Cyclopaedia*, 1876, p. 782.

[93]Stanwood, p. 368.
Annual Cyclopaedia, p. 782.

[94]*Daily Picayune*, Nov. 25, 1875; Nov. 21, 22, 1875.
Standwood, p. 368.
Rhodes, VII, p. 271.

[95]Stanwood, p. 368, 373.
Rhodes, VII, p. 273.
Daily Picayune, Dec. 21, 26, 1875.
New Orleans *Republican*, June 14, 1876.

[96]W. F. Loan, C. J. Adoplhe, Hy. Demas, (colored), R. H. Chadbourne, C. B. Darrall, P. L. Landry, G. L. Smith, G. Y. Kelso, G. B. Hamlet (colored), David Young, J. H. Burch, Chas. Nash. At Large, Wm. Pitt Kellogg, P. B. S. Pinchback (colored), S. B. Packard, W. G. Brown (colored). (New Orleans *Democrat*, June 1, 1876). Delegates were elected on May 30 to National Republican Convention. (*Annual Cyclopaedia*, 1876, p. 483).

[97]New Orleans *Republican*, June 17, 1876.

[98]Stanwood, p. 372, Forman, *Our Republic*, p. 562.

The National Democratic Convention met in St. Louis on June 28, and on the second ballot nominated for President, Samuel J. Tilden of New York; for Vice-President, Thomas A. Hendricks of Indiana.[99] The Louisiana delegation[100] received a telegram from home stating that "Louisiana's first choice is Samuel J. Tilden, reformer, patriot, statesman."[101] The Democratic Convention adopted a platform urging reform, denouncing the rapacity of carpet-bag tyrannies, denouncing the present tariff, and again urging reform.[102] The New Orleans *Democrat* characterized the Cincinnati Convention as a "bitter, ugly, ferocious struggle of corrupt and debased men, with the result a nonentity," while the same paper considered the St. Louis Convention a "council of the people, held to choose a chief to lead the crusade of reform."[103]

II. State Conventions

That the people of Louisiana were more interested in local politics than in the national election of 1876 is evidenced by the relative space accorded each in the newspapers of the State. Bare mention, with scant comment, is made of the national nominating conventions, while the Louisiana newspapers from August, 1875, to August, 1876, are filled with local political news. Both sides were preparing for a momentous struggle. In October, 1875, the State Central Executive Committee of the Republican Party of Louisiana issued under the heading, "Principles of the Republican Party," instructions for a complete reorganization.[104] In December, 1875, a Republican caucus was held[105] in Lieutenant Governor Antoine's rooms. The Radicals were rapidly forming party organizations in every parish of the State,[106] and early in 1876 delegates were chosen to the National Republican Convention,[107] and to the State Republican Convention.

[99]Stanwood, p. 379.
Rhodes VII, p. 277.

[100]Louis St. Martin, John Tobin, J. J. Mellon, J. McConnell, F. S. Goode, J. L. Brent, J. J. Jeffries, J. C. Moncure, H. C. Mitchell, J. B. Cochran, W. H. Pipes, H. L. Garland. At Large, Ex-Gov. Wickliffe, T. C. Manning, R. H. Marr, L. E. Kidd. (New Orleans *Picayune*, Jan. 7, 1876).

[101]Signed by John McEnery, D. B. Penn, L. A. Wiltz, C. J. Leeds, E. A. Burke, H. J. Hearsey, H. D. Ogden, Sam'l Choppin. (New Orleans *Democrat*, June 29, 1876).

[102]New Orleans *Democrat*, June 29, 1876.
Stanwood, p. 378. Rhodes VII, p. 276.
Dunning, p. 302. Forman, *Our Republic*, p. 564.

[103]New Orleans *Democrat*, July 1, 1876.

[104]*Daily Picayune*, Oct. 6, 1875.

[105]*Ibid.*, Dec. 18, 1875.

[106]*Louisiana Democrat*, Sept. 8, 1875.

[107]Ante.

The Radicals opened their convention amid scenes of great disorder[108] on June 28, in the Mechanics Institute, the State House in N. O. There were factional quarrels which increased to actual disturbances, over the organization of the assembly, disputes as to the seating of delegates, as to the president of the convention, and as to the gubernatorial candidates. On the second day the convention moved to the St. Charles Theatre and held its meetings there until the closing day, July 6. The New Orleans *Democrat* characterized the scenes as disgraceful,[109] while even the partisan New Orleans *Republican*, official organ of the Louisiana Radicals, sorrowfully admitted that there was great disorder, riot, and danger of personal conflict.[110] P. B. S. Pinchback, (colored), was finally elected President of the Convention, and after several days of confusion the threatened bolt of the administration faction was prevented. S. B. Packard, nominated by negroes,[111] and C. C. Antoine, (colored) were chosen to head the state ticket,[112] while Pinchback[113] was forced to console himself with the Chairmanship of the Republican State Central Committee.[114]

The Radicals adopted a state platform re-affirming the tenets of the National Republican Party, recognizing with joy the nomination of Rutherford B. Hayes, denouncing the "treason" and "outrages" of the "disloyal elements," praising President Grant and Governor William Pitt Kellogg and pledging the Louisiana Republicans to support all party measures.[115] On July 11,

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[108]New Orleans *Republican*, June 29, 1876.

[109]New Orleans *Democrat*, June 28, 1876. The Republican State Convention is a howling mob—two thousand negroes trying to get in—whiskey—fights—howling—drunkenness.

New Orleans *Democrat*, July 1, 1876. The scene is hideous and disgusting—the dress circles and galleries are crowded with negroes—there is a roar of angry voices, a stench like a Voodoo dance.

[110]New Orleans *Republican*, June 28, 29, 30, 1876.

[111]New Orleans *Democrat*, July 5, 1876.

[112]New Orleans *Republican*, July 6, 1876. State Ticket (Republican), Governor, S. B. Packard; Lieutenant Governor, C. C. Antoine (colored); Sup't of Public Education, Wm. G. Brown (col'd); Sec'y of State, Emile Honore (col'd); Auditor, Geo. Johnson; Att'y Gen'l, Wm. H. Hunt; Presidential Electors; Peter Joseph, L. A. Sheldon, M. Marks, A. B. Levisee, O. H. Brewster, O. Joffrion and Wm. P. Kellogg, J. Hy. Burch, electors at large. Congressmen: H. C. Warmoth, H. C. Dibble, C. B. Darall, Geo. L. Smith, J. E. Leonard and C. E. Nash.

[113]New Orleans *Democrat*, July 1, 1876. "There is one outstanding figure in the Republican State Convention, the 'snake charmer' with black and yellow and scaly reptiles wriggling, and hissing, and crawling, but not daring to strike Pinchback."

[114]New Orleans *Republican*, July 6, 1876, Republican State Central Committee: P. B. S. Pinchback, Chairman; T. B. Stamps, A. J. Dumont, J. W. Quinn, Alfred Bourges, G. E. Paris, M. A. Southworth, H. C. Dibble of Orleans; J. E. Leonard, B. F. Morey of Ouachita; H. C. Warmoth of Plaquemines; and four from each Congressional District.

[115]Appendix B-1 at the end of this chapter. Republican State Platform.

1876, a mass meeting ratified the Republican nominations, national and state.[116] At this time H. C. Warmoth said "It is necessary that the Republican Party should triumph—I do not believe in White League government, for it is inspired by bitterness and race prejudices; we see armed militia, clubs, secret societies, in which race is made a condition. I do not believe in a government simply and purely white."

In August, 1875, Wade R. Young published in the *Louisiana Democrat* a letter to the editor of the Ouachita *Telegraph*, advocating a fusion of all parties opposed to the Radicals.[117] On October 29, 1875, "Fabius" in one of his "letters" said:

> "For eight years the black serpent of African barbarism has been fastening on East Feliciana—a blight has settled on every interest, public enterprise has been destroyed."[118]

These and similar editorials pointed the way to an anti-radical organization. The Conservatives had been split into several factions by bitter feelings over the acceptance of the Wheeler Compromise, but the leaders of these factions realized that they must strengthen their forces by amalgamation,[119] and amalgamate they did. A general protest against holding a convention in late 1875[120] was effective, and a call was issued by a Democratic-Conservative Committee for a Democratic State Conven-

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[116]New Orleans *Republican*, July 11, 1876.

[117]*Louisiana Democrat*, August 18, 1875. Part of a letter from Wade R. Young to the editor of the Ouachita Telegraph:
"I note with pleasure your call to the Conservatives of Louisiana to rally beneath the banner of the Democratic party for the general election of 1876. The Democrats, White Leaguers, Liberals, Reformers are all intent upon the redemption of the State. I do not defend the conduct of our Representatives in the Wheeler Compromise, but I do not question the purity of their motives; such differences are past, and should be forgotten in the great struggle which is to determine the fate of our American institutions. There is but one banner in the field—it is our duty to rally around that banner, and under its folds strike a last blow for constitutional government."

[118]Daily *Picayune*, October 29, 1875.

[119]Daily *Picayune*, October 9, 1875.
"In the approaching election of 1876 it is necessary for all good citizens to array themselves in opposition to the Radical Republican party of nepotism, fraud and corruption. Our only hope of relief from Federal interference in our domestic affairs, from despicable usurpations, from odious monopolies, from a rate of taxation tantamount to confiscation, lies in the success of the great Democratic party; we must demand nominees of truth, honesty and capacity."

[120]Daily *Picayune*, Oct. 7, 15, 21, 1875 and passim fall, 1875.
Louisiana Democrat fall, 1875, passim.

tion to be held on the first Wednesday in January, 1876.[121] The Convention, which assembled in New Orleans on January 5, was presided over by J. C. Moncure of Caddo Parish, with Duncan Cage of Terrebonne as Vice-President. Seated on the platform were John McEnery,[122] Thomas R. Vaughn and John O. Quinn,[123] the two latter gentlemen having been the first representatives to be driven from the hall of the House by United States troops on January 5, 1875. The business of the convention was four-fold; the appointment of a Democratic State Central Committee,[124] the adoption of a platform in the shape of resolutions,[125] the adoption of a memorial[126] or protest to be sent to the President of the United States and to both Houses of Congress, and the election of delegates to the National Democratic Convention.[127] President Moncure praised the unanimity of feeling among the delegates, which was, he felt an augury of victory at the polls. He reiterated the statement that the whites of Louisiana must unite in opposition to Radicalism. The Convention adjourned January 7, sine die.[128]

This January Democratic-Conservative Convention was primarily called as a love feast. The leaders made every possible endeavor to smooth out past misunderstandings, and to gather into the fold all those discontented with the carpet-bag-negro

[121]Daily *Picayune*, October 22, 1875.

Louisiana Democrat, Oct. 27, 1875: "Without reference to past party affiliations, all who are opposed to Radicalism in Louisiana and to the present usurping state government, are invited to co-operate for the purpose of holding a State Convention . . . This committee disclaims any intention to revive the question of the Wheeler Adjustment so far as it has fixed the status of the present House of Representatives . . . Resolved: That it is the sense of the Democratic and Conservative people of the State that all constitutional means should be taken in the Senate and House of Representatives of the United States for a decision of the Louisiana question and the recognition of the McEnery government."

[122]Daily *Picayune*, Jan. 6, 1876.

[123]*Ibid.*, Jan. 7, 1876.

[124]*Ibid.*, Jan. 9, 1876; *Louisiana Democrat*, January 19, 1876. At Large: Duncan S. Cage, Terrebonne; Albert Voorhies, D. B. Penn, Albert C. Janin, Dr. Sam Choppin, Frank Hueuer, Wm. Hart, Jas. B. Eustis, H. D. Ogden, Thos. H. Handy, Louis St. Martin, Orleans; Jas. C. Wise of Rapides; J. B. Wilkinson, Plaquemines; Jos. M. Moore, St. Landry; W. R. Richardson of Ouachita; in addition, each parish outside of New Orleaens and each ward of the city had one member.

[125]Appendix B-2 at the end of this chapter. Resolutions adopted.

[126]Appendix B-3 at end of this chapter. Memorial unanimously adopted and ordered to be sent to all Democratic-Conservative members; to President Grant and to both houses of Congress.

[127]See Footnote No. 100.

[128]Daily *Picayune*, January 6, 7, 1876. Scraps from editorials: The Louisiana Democratic Convention is to sound the keynote of Anti-Radicalism in the campaign—it must be not just Democratic or just Liberal, but it must be composed of every political element in the State opposed to Radical misrule and corruption—it must organize an opposition of irresistable moral force—it is the latest expression of feeling among the Conservatives of the State. The Government of Louisiana is Republican neither in form nor in fact. The Radicals must recognize the officers elected by the Fusion Party in 1872, or go before the country as destroyers of a state's autonomy.

rule. The result was a firmly knitted anti-Radical organization pledged to white supremacy in Louisiana.

The Democratic State Central Committee issued on April 20th, 1876, a call[129] for a Democratic-Conservative Convention to be held on Monday, July 24, in Baton Rouge for the purpose of nominating a State ticket. When the delegates left New Orleans on July 23, the newspaper comments were interesting: The *Daily Democrat* says: God speed our delegates to the State Convention. While the New Orleans *Republican* notes that thirty-six convicts and delegates left for Baton Rouge.*

The Convention, presided over by J. H. Snyder, nominated the following ticket of State officials: For Governor, Francis T. Nicholls of Assumption; for Lieutenant Governor, Louis A. Wiltz of New Orleans; for Attorney General, H. N. Ogden of Orleans; for Secretary of State, Wm. A. Strong of Winn; for Auditor, Allen Jumel of Iberville; for Superintendent of Public Education, Robert M. Lusher of Orleans; Presidential Electors, Louis St. Martin, J. E. Poche, A. DeBlanc, W. A. Seay, R. G. Cobb, K. A. Cross, with John McEnery and Robert Wickliffe, electors at large;[130] Congressmen, R. L. Gibson, E. J. Ellis, J. H. Aicklin, J. B. Elam and E. W. Robertson. (Fifth District Congressman to be nominated later).

Here again the newspaper comments show the ever increasing signs of a portentous struggle. The *Daily Democrat* says:[131]

> "The Baton Rouge Convention is a striking contrast to the Radical mob in this City a few weeks ago—It is conducted by men of social standing, intelligence and integrity—the proceedings are orderly, dignified and earnest, its ticket is a guarantee of reform, a trumpet call to honest men—this is a convention of white gentlemen, not a herd of beasts."

The New Orleans *Republican*[132] says:

> "The labor pains begin; a country David attacks the city Goliaths; There is a hot fight in prospect, harmony cannot be effected here.[133] The Baton Rouge Convention

[129]Louisiana *Democrat*, May 3, 1876.
New Orleans *Democrat*, July 30, 1876.

*The State Penitentiary was located in Baton Rouge.—ED. LA. HIST. QY.

[130]Robert Wickliffe and T. C. Manning were elected by the Convention but after Manning's resignation, John McEnery was substituted.

[131]New Orleans Daily *Democrat*, July 28, 1876.

[132]New Orleans *Republican*, July 25, 26, 27, 29 and 30, 1876.

[133]General Nicholls, L. A. Wiltz, John McEnery were the three gubernatorial aspirants.

displays a wonderful lack of enthusiasm. The nomination of General Nicholls is a rebuke to Bourbonism, and a defeat of the city politicians; We think it will be easier to beat Nicholls than any other man named, except perhaps McEnery; It is a fact that Nicholls, after graduating from West Point, committed his first notable act by taking up arms against the government which educated him. His political disabilities have just been removed by Congress;—Democratic Crow Feast at Baton Rouge.

Governor Nicholls in his speech of acceptance[134] expressed kindly feelings to negroes, and declared his intention to protect them in all their rights. He spoke vehemently for a peaceable, fair election, saying that he was utterly opposed to fraud from either side and that he desired to have not only the letter of the law, but the spirit followed. After adopting a State platform of reform,[135] arraignment of the Radical party, and denunciation of the carpet bag-negro usurpation, the Democratic-Conservative Convention adjourned July 27, sine die.

[115]APPENDIX B-1

Republican State Platform. New Orleans *Democrat*, July 2, 1876, and New Orleans *Republican*, July 5, 1876.

1. The Republican party of Louisiana in convention assembled, reaffirms the tenets and principles of the National Republican Party as declared from time to time, and especially as enunciated in the platform adopted at the National Convention held at Cincinnati, June 14, 1876. We particularly commend and indorse the declaration that the United States of America is a nation and not a league, and that upon the nation devolves the duty of protecting the citizens of the United States in all their rights, at home and abroad, thus maintaining fully the Constitution of the United States and amendments thereto.

2. We hail the nomination of Governor Rutherford B. Hayes with pleasure and pride, believing that in his elevation to the Presidency, the country will secure an administration which will maintain the rights of all classes of citizens of the republic, and which will administer the government economically and execute the laws faithfully. We are not less gratified at the nomination for Vice-President of Wm. A. Wheeler, whose reputation as a Republican and character as a statesman are national. In our ticket we see a guarantee of success. We indorse and ratify it.

3. The Republican Party of Louisiana are in full accord with the National Republican

[134]Louisiana *Democrat*, August 9, 1876.

[135]Appendix B-4 at end of this chapter. Democratic State Platform.

Party upon all financial questions as declared in the Cincinnati Platform, and we believe that during the administration of President Hayes a resumption of specie payment can be effected through a return to a general commercial and productive prosperity throughout the Union.

4. We reaffirm the following declarations adopted by the late Republican State Convention assembled at New Orleans, May 30, 1876, as follows: 1st. A system of revenue, taxation and assessment which, while it shall provide ample means to meet the public expenditure and obligations, shall also assume the protection of certain national interests against the destructive competition of foreign productions, especially insisting that the capital and labor employed in the production of the national staples of sugar and rice should be included among any articles entitled to such protection. 2nd. The just apportionment of Federal appropriations for national works of internal improvement. Taking into account the immense advantages received by our more fortunate sister States during the period when Democratic domination denied to the Southern States their just share of the common fund, such a measure of equalization would justify national aid to a Southwestern Pacific Railroad and branches, to the protection of levees, of the capital and labor employed in the culture of cotton, sugar and rice, and to the effectual navigation of the Mississippi River, its principal tributaries and its outlet. 3rd. That the assassination of many hundreds of prominent Union men in the South on account of their political principles, the massacre of thousands of inoffensive colored citizens, the relegation of nearly all of the Southern States to the control of disloyal elements, whose treason brought about the war, and the election of a National Congress largely composed of exleaders of the Confederate Army, indicate grave national dangers which demand the enactment of such additional laws and the enforcement of such a policy as shall secure to every citizen of the United States in fact, as well as in name, the inalienable rights of life liberty and the pursuit of happiness, irrespective of his political views and irrespective of race, color or previous condition of servitude.

5. That to President Grant is due the earnest thanks and hearty endorsement of the Republicans of Louisiana for the fidelity with which he has maintained in peace the great principles which the armies of the Union under his command enforced by war.

6. That to Governor Wm. P. Kellogg and his associates in the State administration the thanks of the Republican Party of Louisiana are due for their earnest and persistent efforts to maintain the state government under trials and circumstances whose parallel has never been seen.

7. The Republican Party regards the financial measures of the state administration, especially the plan for funding and re-

ducing the bonded and floating debt as having been successfully and fully accomplished. We pledge ourselves and our party to support these measures and and to carry them out to the fullest extent.

H. C. DIBBLE, *Chairman.*

[125]APPENDIX B-2

Resume of resolutions adopted at the State Democratic Convention, January 6, 1876.—*Daily Picayune,* January 7, 1876.

1. The usurpation of Louisiana through the perversion of the functions of the General Government, is an evil leading to despotism and anarchy.

2. The Wheeler Adjustment did not refer to the 1872 elections, and did not extend to all the contested elections of 1874, but was limited to an investigation of seventeen contested seats in the House of Representatives and of two contested seats in the Senate; it did not pretend to determine anything beyond the status of these seats in the General Assembly, and its supporters never intended that it should so do.

3. The Radical Party in Louisiana, through iniquitous election and registration laws, an arbitrary Returning Board, and fraudulent census returns, has devised measures for its own perpetuation, and although it is not recognized by the people of Louisiana, nor is it maintained by their willing support.

4. A memorial for relief should again be presented to Congress.

5. The test of membership in this party (Democrat-Conservative) is unrelenting opposition to usurpation and monopolies.

6. This party (Democrat-Conservative) stands for the abolition of useless offices, for retrenchment in City and State, for reduction of taxation, for reduction of enormous appropriations for public printing and metropolitan police.

7. This Convention reaffirms the Democratic doctrine that gold and silver are the legal currency, and favors an early return to specie payment.

[126]APPENDIX B-3

Resume of a memorial prepared by the Democratic-Conservative Convention, January 6, 1876.—*Daily Picayune,* January 7, 1876.

1. The acting government of Louisiana is a usurpation; the individuals personating it were never elected, but were defeated in 1872 and 1874.

2. The lawfully elected officials were excluded from their official positions by the unlawful interference of the Federal Courts, and military power.

3. The midnight order and double writ of mandamus, and injunction by which Judge Durell organized the usurping

Legislature (he escaped impeachment by resignation); the seizure of the State House by Federal troops December, 1872; the forcible dispersion of the State Legislature, and the arrest of Speaker Moncure, March, 1873; the expulsion of Speaker Wiltz and certain Representatives in the State Legislature, January 1875; the proclamations of President Grant, April, 1873, and September, 1874; the bloodthirsty orders of General Sheridan, January, 1875, are all well known facts.

4. The right of the people to elect officers and representatives has been taken from them, and vested in a partisan State Returning Board, which may ignore the official returns, add suppositous votes and so modify the official returns by unofficial statements as to defeat the will of the people. The State Supreme Court repeatedly holds that the declarations of the Returning Board are final.

5. The people of Louisiana are alarmed; the Kellogg government is armed with the fearful power of absolute self-perpetuation; the usurpers are corrupt and unprincipled; the usurpation exists only as it is supported by the military power of the Federal Government; the people of Louisiana are patient, but they are indignant that the Wheeler Adjustment has been construed as acquiescence by them in this usurpation and that therefore they can no longer demand the overthrow of the Kellogg government.

6. The Kellogg claims were not covered by the awards of the Wheeler Committee, who state that their investigations were restricted to the legislative difficulties of 1874-75, with no evidence regarding the election of 1872.

7. The Wheeler Adjustment withholds an approval of the Kellogg government, and cannot bind the lawfully elected, but excluded, governor and other officials; it cannot bind people people who were not parties to to the Wheeler Adjustment, and it does not prevent an appeal to the Federal Government for a guarantee of a republican form of government in Louisiana.

8. Now, speaking for themselves, the people of Louisiana deny acquiescence in the Kellogg usurpation which is repugnant to them; they recognize as their only government elected by the people, and therefore entitled to their respect, that of which John McEnery and D. B. Penn are the heads. It is the duty of the General Government to guarantee to Louisiana, as a State of the Union, the government of its choice. The people of Louisiana will not abandon their struggle for the right of self government; this is a duty to themselves and their children, to the union and to the Constitution, and to every State of the Union.

9. We, the people of the State of Louisiana, ask you, President and representatives of the State and of the people of these United States, in the name of our common country, our common civilization, and the sacred memories of this centennial year, in the name of liberty and justice to blot from

our national history this shameful record of usurpation and crime.

"Signed"
R. H. MARR, *Chairman*
JAS. JEFFRIES
G. W. MCCRANIE
K. A. CROSS
H. J. HEARSEY
W. R. RICHARDSON
M. VOORHIES
E. W. HUNTINGTON

[135]APPENDIX B-4

Democratic State Platform as issued by the State Convention at Baton Rouge, July 24, 1876.—*Louisiana Democrat*, August 2, 1876, also *New Orleans Democrat*, July 27, 1876.

REFORM

We, the representatives of the Democratic - Conservative Party of the State of Louisiana, in convention assembled, do hereby declare administrative and political reform to be paramount issues in the coming general election, and we earnestly appeal to our fellow citizens of every former political association, of white and colored, to zealously co-operate with us in our pronounced effort to effect such reform.

THE RADICAL PARTY

We arraign the Radical Party of Louisiana for marked and frequent violations of the letter and spirit of the Constitution; for the assumption of illicit powers for the benefit of the party, and to the great injury and almost total ruin of the State; for fomenting dissensions between the races and deliberately exciting strife and turmoil, thereby cruelly sacrificing the lives of colored and white citizens, with the intent of procuring unwarranted and unconstitutional interference in our State affairs.

THE USURPATION

We denounce the usurpative and bad government which Louisiana has suffered for the last four years, a usurpation under which officers elected by the people have been displaced, the government arbitrarily overthrown by Federal power, the Legislature invaded and dispersed by bayonets in time of profound peace, and such violent and unlawful interference adds but another to the long list of crimes for which the Republican Party should be held to account, in November next.

A FAIR ELECTION

We hereby proclaim that it is our desire and fixed purpose under any and every provocation to have a fair and peaceable election, but we demand and will insist that there shall be no violence or intimidation exercised towards such of our colored fellow citizens as may wish to co-operate with us for the redemption of the State from misrule.

AMENDMENT TO THE CONSTITUTION

We fully recognize the binding effect of the three recent

articles of amendment to the Constitution of the United States and accept the same as a final settlement of the controversies that engendered civil war, and we pledge ourselves to protect every citizen in the exercise of the rights acquired and guaranteed by the said amendments, whatever be his race, color or previous condition.

State Finances

We hereby pledge our party to the satisfaction of all the legal obligations issued by the State of Louisiana, to the most strenuous efforts in the direction of reform and an economical administration of the government and especially to the abolition of all unnecessary public offices; to the reduction of the fees and salaries of officers to the standard of a fair remuneration and the consequent reduction of taxation to the lowest possible limit commensurate with the necessary expenses of the government and the preservation of the public faith, and to the curtailment of the dangerously large patronage of the Chief Executive of the State.

Texas Railroad

We declare ourselves in favor of the passage of the Texas Pacific Railroad Bill, now pending before Congress and recommend our members of Congress to advocate its passage at an early date.

Public Schools for All

We advocate the fostering of the public schools for the benefit of all the educable children of the State, and that equal advantage be given to all children, colored as well as white.

The St. Louis Nominees

We cordially approve and endorse the platform of the National Democratic Party recently assembled in convention at St. Louis, and feel inspired with hope of a better government in the future; but the great question of reform is brought before the people of the whole country by a great national party, and we pledge ourselves to use our utmost efforts to secure the success of those great exponents of national reform, Samuel J. Tilden and Thomas A. Hendricks.

(TO BE CONTINUED)

SAXON'S LAFITTE THE PIRATE

Reviewed by J. Fair Hardin of Shreveport, La., member of the Editorial Staff, Louisiana Historical Quarterly.

Between this opening of the "Foreword":

> "New Orleans, a century ago, produced many fantastic characters, but Jean Lafitte—the pirate who became a famous patriot, then turned back to piracy again—is one of the most extraordinary of them all"

to this charming sketch of "The Last of Campeachy":

> "The pirate's fleet was gone.
>
> Turning, the sailors saw three vessels beyond the harbor bar. They seemed suspended in space between black water and blacker sky; their flowing sails were red in the firelight. Silently they moved before the wind on their unhurried way. There was no signal and no farewell. For a time the sails gleamed ruddily against the dark; then, one by one, they faded and were gone. Out of the firelight, into a dark sea. . .
>
> Out of life, into dim legend" . . . . .

Lyle Saxon gives us the life story of the brothers, Jean and Pierre Lafiitte, written in a charming manner and with gripping interest. Whether one likes romance, biography with action aplenty, stirring history, vivid description, or simply a rattling good "pirate story," this book will satisfy. Romance there is in the sketch of the brothers' love affairs, as unconventional as they—but one expects a pirate's love affairs to be unconventional; virile biography there is, in the clear-cut sketching of the characters of this drama of two men's lives, always keeping the principals in the proper lead, but giving us at the same time good pictures of the minor players; history, with much action, on battlefield, in courtroom, on smuggling trips, "privateering," raiding and counter-raiding, fillibustering and plotting; vivid description, of New Orleans before and after the "8th of January," of its social life and of the Lafittes' all too brief home life there, the best that we have ever had, in either fact or fiction, of Barataria and of Campeachy, of Andrew Jackson as a courtier and a diplomat—unusual roles for him—and of Governor Clai-

borne's wife and Lafitte's lawyers, Livingston and Grymes; and finally, and, we will confess, perhaps best of all, that glamorous pirate lore of captured ships, spoils of untold wealth, savage fighting, wild orgies such as only pirates should indulge in, much eating and drinking—there seems to be a lively banquet and a drinking party in almost every chapter—all told in a beautiful style of which the last quotation is a good example.

That quotation isn't, really, the end of the book—but it should be. The two chapters that follow are a sort of anti-climax, and perhaps Saxon himself would have preferred to leave them off, but his care, evident throughout the book, to give the complete picture as best he could, no doubt dictated their addition. Saxon's first book I definitely disliked, in name, in cover and in contents. His next two showed marked improvement in both style and subject, and he is entitled to credit for presenting Louisiana history — and some legend — in an attractive and readable form. But in this book he is much more cohesive, he holds a tight grip on his story and carries the reader with him in tense interest. He here ceases to be a transcriber, and produces successfully an entirely new and original book that is real history and real biography. A characteristic of perhaps minor importance, but one that gives a favorable impression, is the manner in which he weaves his sources, many of them original documents, into his text and lays them all before the reader without distracting notes and with little argumentative comment. He draws his own conclusions, but leaves the man holding the book free to draw his. The result is a feeling of satisfaction and of confidence that he has earnestly endeavored to give all of the available facts about his subjects and their immediate associates.

Suydam's illustrations are a perfect complement to the text. Realistic, and at the same time most artistic. Suydam's pencil, Saxon's pen and the Century Company's attractive binding in buff and blue and large clear type, have all together made for us a book both beautiful and of absorbing interest.

EDITOR'S CHAIR

By Henry P. Dart

IN MEMORY OF HELOISE HULSE CRUZAT
[January 20, 1862
May 10, 1931]

The story of the life and work of Heloise H. Cruzat can not be told in this paper, which must be devoted to her labors in the Quarterly by which she will be best remembered in after years. She was actively engaged from 1920 to the day of her death in collaboration with the Editor of the Quarterly on the calendar of the Archives of the Superior Council of Louisiana, 1717-1769, featured in every number of the Quarterly. Prior to this employment she had enjoyed some slight touch with these records and used part of them in the preparation of the Bienville number of the Quarterly (Vol. I, No. 2, 1918).

Mrs. Cruzat was admirably fitted for the work that occupied the last eleven years of her life. She was a native of New Orleans and all her ancestral roots were in Colonial Louisiana and Florida. Her husband, the late J. W. Cruzat, was also a descendant of prominent people of the Spanish Louisiana regime. Mrs. Cruzat was well grounded in French, Spanish and English. She had read widely in the languages and it is our impression had also taught one of them. Her husband was also an ardent student of Louisiana history. Thus by birth, education and association, she was in touch with the history of Louisiana and her mind turned naturally into the channel that ultimately brought her to the notice of the writer, and led to her selection for the onerous task of analyzing, digesting and reporting the contents of the Colonial French Archives.

While some tentative work had been done by the Louisiana Historical Society on the papers of the Superior Council, it is not far from the fact that in 1920, Mrs. Cruzat and the Editor went to school in these archives. A comparison between the last half of the Calendar and the earlier installments will make this clear; increasing knowledge and a firmer grasp on the problems are evident. As the work progressed the horizon widened and plans were discussed for new tasks to be undertaken when the Index would be finished, for the latter is in its essence only a guide to the place that contains the material for many books.

The ancient inhabitants of Louisiana were perhaps better known to Mrs. Cruzat than they were to their contemporaries. Long intimacy with these old records inscribed their names and interrelations upon her memory and made her the highest living authority upon the geneology of the great and the small. The facts of life in French Louisiana, the economic situation, the pride of country, the loyalty to the soil, these and thousands of other facets and points of view were so indelibly impressed on

her mind, she could have testified upon them with a belief that is equal to knowledge of the truth whereof she spoke.

The records and papers that brought all this knowledge within her vision were to the ordinary eye an impenetrable jungle. The characteristics of the mass were as chaotic as the times in which they were written. The handwriting of the great men of that era, of the lesser scribes and officials and of the people affected, presented riddles and cryptograms to be approached with all the mechanics of an open, careful, knowing and studious mind. Fading ink and crumbling paper, arbitrary abbreviations, general references to laws, curious phrases whose meaning had to be sought in old law books and ancient dictionaries, were not the only part of the difficulties of this jungle, even when better handwriting and scholarly scribes made an opening in the same. To all these troubles, one would have to add the rubrics, the curious initials and the numerous, and in many cases still incomprehensible, letters and numbers that dot the manuscript and doubtless meant something to the writers now lost to posterity.

Thousands of intimate stories of that period are buried in these records. The mind of the excavator would develop a lead, only to lose the sequel through some gap in the file, or other contemporaneous obstacle. Whatever the cause, it is evident the great mass still preserved is only part of a bulk that has disappeared in the centuries of neglect and the ravages of fire and water. It was this part of her task that kept Mrs. Cruzat interested. She would discover an interesting paper, and follow it down, only too often to find her labor in vain. But every sheet was for her a fresh adventure and she would feel the thrill of a discoverer, whether she succeeded or failed in reaching the height at which she aimed.

Notwithstanding the vast knowledge she had acquired in the eleven years of labor, she always said that her comprehension of that era taught her but one lesson, namely, to reserve opinion and judgment until at the close of the Index, she would cease to be a traveller rushing from point to point, and could return over the route to study and reflect upon the scene she had traversed. She always had this great plan in view, but death has stopped the busy pen and stilled the ardent mind.

Mrs. Cruzat was industrious and indefatigable. She did not have the sense of order as it is usually practiced, and it is not possible to judge her by the ordinary rule, for the nature of her task was such she had to create her own system. She was in the presence of the labors of men who apparently had less sense of order than is expected today of a minor official. The results of their work survived in heaps and scraps of paper inextricably mixed with other heaps and scraps; folios that were apparently complete would suddenly open up the middle of another subject; the close handwriting and perhaps the scarcity of writing paper in the colony led the scribes to waste few lines on capitals or

paragraphs or subject-heads, and not until the last word had been read and dissociated or connected, was it possible to begin to make a summary of any file.

Mrs. Cruzat's industry was so great and her self abnegation so complete, that day after day she toiled to pile up material for the Editor. The Quarterly has had few issues under this writer that did not carry her name and we have in hand enough of her products to fill out her allotment for years to come; every scrap of it is interesting and when edited in the light of the unique series of letters and comments passing between us, its value will be even greater. This work, past and future, will keep her name long in the forefront of our labors. We said above that we went to school together in these archives, she has graduated but the task of the Editor still goes on to do his part toward making her work imperishable.

Mrs. Cruzat was very human; she had her likes and dislikes as all of us have. In the privacy of conversation and correspondence, her strong and her weak points were developed, but we kept a middle course that enabled her to hold her interest in her work while respecting and maintaining her historical prejudices. She was amenable in the largest sense. Sometimes a pet manuscript would appear in print, in a shape that would have brought an anathema from another contributor, but she always came back with the amiable retort that she had at least expressed her mind to one reader, and would abide by his judgment. We would by choice conclude this paper in a note of sadness, but that would not have pleased her living, and it should not govern us in this last farewell. She was happy in her life work and we too should be happy that she was spared to do so much for the history of her country.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LI.

August, 1745
(Continued from April, 1931)

By HELOISE H. CRUZAT
Marginal Notes by Henry P. Dart

By the Editor of the Quarterly

The story of the working of the Superior Council was never better illustrated than in the installment for August, 1745, printed herewith. It shows a remarkable, in fact an extraordinary variety of causes and incidents occurring before the tribunal and makes it impossible to deny the part that this great institution played in the daily life of the Colony. The presence of practically a full month's record of work here indexed for August, 1745, also emphasizes the regret which we should always feel that the mischances and subtractions of time have made such holes and gaps in these early records, as is indicated from time to time by the paucity of our reports thereon.

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

de Vaudreuil, Pierre Rigaud Cavagnol, Governor
Le Normant, Sebastian Francois Ange, First Judge and Commissaire Ordonnateur, successor to Salmon
Henry, Nicolas, Notary and Clerk (Greffier)
Fleuriau, Francois, Procureur General
de Noyan, Gilles Augustin Payen, Lieutenant of the King
Chantalou, Augustin, Sheriff
Lenormand, Marin, Deputy Sheriff
Pratt, Jean, Councillor
Raguet, Jean Baptiste, Councillor
Lafreniere, Nicolas Chauvin de, Councillor

Aug. 3, 1745. 1½ pp.

Suit by Layssard Bros., merchants of N. O., vs. Lemoine for debt due on merchandise. (See further Aug. 7, No. 3).

Petition to Superior Council by Layssard Bros., merchants of New Orleans for citation of Sr. Lemoine for recovery of debt of 688 livres, due since last February for merchandise.

Signed: Layssard freres.

Permit to cite signed by Councillor Prat. Aug. 3. Notice of citation served on Sr. Lemoine, cabinet maker, at his domicile by Sheriff Lenormand.

Aug. 3.
1½ pp. Copy.

Genevieve Haville and Jean Baptiste La Croix vs. Chevalier Grenier. On note for 502 piastres, 1 escalin. (See judgment Aug. 7, No. 7).

Petition to Superior Council by Genevieve Haville and Jean Baptiste La Croix for citation of Chevalier Grenier to compel him to pay his note for 502 piastres, 1 escalin (12½ cts.), which was turned over to Sr. Hervier, supervisor of his cargo.

Order to cite Mr. Hervier signed by Lenormant. Aug. 3. Notice of citation served on Sr. Hervier personally at his domicile and copy of above petition left with it by Sheriff Lenormand.

Aug. 3.
26756. 1 p.

Donation by parents to their son-in-law on account of the dowry of his wife, daughter of the donors. The thing given is a slave negress.

Donation at Pointe Coupee before witnesses, by notarial act of a negress by Jean Rondot and his wife Marie Collon, to their son-in-law, Etienne Decuir, husband of Cecile Rondot, on account of what reverts to said Cecile on her dowry, it being understood that the said negress Fanchon and all issue from her will be property of Decuir and his wife and cannot be contested. Madam Rondot and Decuir declared that they could not write.

Signed: Jean rondot. Meuillion. Mark of + Etienne Decuir. Mark of + Marie Collon. Rambin.

Aug. 4.
26728. 4038.
fo. 29. 28 pp.

Wreck of La Superbe.

Declaration in Registry by Louis Poitevin, Jacques Colino, Francois Molino, Blaise Benoit, Jean Bte. Viole, Louis Besson, Pierre Montel and Francois Vrignan.

This is the beginning of the story of the Wreck of La Superbe which was the subject of a special article in Louisiana Historical Quarterly, Vol. II, April, 1928, pp. 175-208, wherein the declarations of the foregoing persons and the testimony is translated and printed in full. It will therefore be unnecessary to summarize the declarations of the witnesses or to say any more upon the subject matter, except that the Wreck of La Superbe seems to have brought into operation a number of lawsuits connected with the cargo, the freight money, the advances, etc., as will be noted further on through this installment of the index. A very interesting economic element of these lawsuits is the proof in detail by bills, acknowledgments, etc., which appear in the file under date of August 24th, but which for the purposes of continuity we here bring forward to the date of the declaration, viz:

Aug. 24. Slip. No. 1. **Bill** of 51 piastres by a negro, Guillem, of Puerto Bello, of the crew La Superbe for what he took on board and what remains due. Certified as triplicate (errors excepted) by Hervier.

Claims and Accounts against the ship La Superbe. This list is interesting as showing the amount of money expended, for the cargo of the lost ship. There seems to have been no action by the Council.

½ p. No. 2. **Statement of Bills** made at Cartagena, left at Puerto Bello due to Cargo of Chevalier Grenier the bale marked CH, notes for which are inclosed with the Bills. Certified by Hervier.

1 p. Slip. No. 3. **Copy** of the acknowledgment of Don Luis Martines de la Rubia. Dated from Bay of Garottes, Nov. 14, 1744. Certified on Aug. 24, 1745, by Joseph Depas.

Aug. 24. Certificate by Henry, Greffier of the Superior Council, that the copy above is a second transcript by Sr. Joseph de Pas which was collated in his presence with the original, the said original, in the moment, returned to Mr. Hervier at New Orleans. Signed: Henry, Greffier.

1 p. No. 4. **Statement** of account of Don Louis De la Roubia, left at Puerto Bello, as due to cargo of the boat, La Superbe. Certified as a triplicate copy of the original Bill dated Nov. and Dec., 1744. Certified by Hervier, Aug. 24, 1745.

½ p. No. 5. **Account** of Dna Ansna Fernandes of Puerto Bello for her own account and for what she was held to receive or sell and of the bill for Cargo of Chevalier Grenier. (Detailed statement). Certified as triplicate bill on Aug. 24, 1745. Signed: Hervier.

2 pp. No. 6. **Bill** of July 11, 1744, due by Dn Joseph Martines and de la Ruvia to the cargo of the boat La Superbe, under Chevalier Grenier and for a bale marked CH_2 on conditions agreed on that if seized it would be for account of whom concerned, etc. Notes to be remitted to Nn Luis de la Rubia before leaving Garottes, and order to remit the whole to Dn Juan or Dn Christoval de Rubina at Panama. Bill dated July 11, 1744. Certified as triplicate bill collated with the original, Aug. 24, 1745. Signed: Hervier.

½ p. No. 7. **Bill** due to cargo of the Superbe, delivered on his letter to Dn Benito La Ravia who left his note to Dna Antoina Fernandes at Puerto Bello. Certified as a triplicate bill collated with original, (excepting errors and omissions), on Aug. 24, 1745. Signed: Hervier.

2½ pp. No. 8. **Copy** of a letter written to Panama by Luis Martines de la Rubia, July 20, 1744. This copy certified as true to the original, on date of Aug. 24, 1745, Signed Joseph Depas. Certification that the above copy is a

duplicate transcribed by Sr. Joseph Depas having been collated with the original. Returned in the moment to Mr. Hervier, Aug. 24, 1745. Signed: Henry, Greffr.

2716. A fragment. Aug. 23, 1745. Inclosed in previous document acknowledgment of indebtedness by Thomas Dessercy for the sum of twenty-five piastres which he promises to pay in three months at Mobile, and not knowing how to sign he made his mark + Ordinary mark of Sieur Renoir, Witness.

(27126) SSS. Slip. **Promissory Note** signed Manuel de Jesus. Stained and torn. fleuriau.

1 p. (1) **Statement** of what is due at Cartagena for account of the cargo of Mssrs. Antheaume and the Chevalier Grenier and on the bale marked CH, notes and bills for which were remitted to Mr. Malhorty to collect payment, the notes here inclosed having been acknowledged and order given Sr. Salvador to withdraw the whole from Sr. Malhorty. Certified as a triplicate true to the original, excepting errors and omissions, dated New Orleans, Aug. 24, 1745. Signed: Hervier.

1 p. (2) **Copy** of two notes signed Jaime Crosas. (1400 pesos) dated March 7, 1744, and Promissory note for 75½ pesos, and others. Signed: Jaime Crosas. (75 pesos, 5½ 77 les.).

Due in all, including 20 piastres loaned for the voyage ..... 1495" 5"½
Received March 19 by Herera ..... 1000"

495" 5"½

Certified as a true copy by Joseph Depas, Aug. 24, 1745. Certificate that the above transcriptions in duplicate are a true copy of the original signed: Henry, Greffr. Another certification of the bill signed: Hervier, Aug. 24, 1745.

¼ p. (3) **Copy** of notes of Dn Juan Chulana for 3065" 7 22 X. Signed: Jaime Crosay. Certified as a true copy, Aug. 24, 1745, by Joseph Depas.

Certificate that this duplicate is true to the original and in the moment turned over to Mr. Hervier by Henry, Greffr.

½ p. (4) **Copy** of note of Dn Salvador de Castillo for 269 pesos, given Jan. 11, 1744. Certified as a true copy Aug. 24, 1745, by Joseph Depas. Turned over to Mr. Hervier and certified in the presence of the Chief Clerk of Superior Council. Signed: Henry, Greffr.

½ p. (5) **Bill** due by Dn Salvador de Castillo of Cartagena to the cargo of the boat La Superbe, payment to be made fifteen days after delivery on signature of Joseph S. Dias de la Ravia. Bill dated Jan. 11, 1744. Amount of note of Monsr. Grenier, 269 pesos. Certified as a true copy in triplicate by Hervier. Document worm eaten.

1 p. (6) **Accounts** withdrawn from Sr. Malthorty at Cartagena and turned over to Dn Juan Salvador Narvajes. Order given by Sr. Hervier to settle all accounts and letters sent to all debtors. Account of the cargo, of Geronimo Wuinta, etc., of the Bale CH, of Antheaume Bros.

Notes without taking into account the bills of Chiqueland, Jayme and Salvador de Castillo remitted to Grenier.

Certified as a true copy excepting errors and omissions, by Hervier, Aug. 24, 1745.

Slip (7) To Des Baroux at Cartagena for account of cargo on the Superbe in 1744. Certified, Hervier, Aug. 24, 1745.

Slip. (8) To Silvestre Messa account with cargo of the Superbe. Certified as a true triplicate of the original, Aug. 24, 1745, signed: Hervier.

Slip. (9) **Copy** of an acknowledgment of Malthotty of Cartagena of cash received from Sr. Grenier and promise to procure payment in kind, Feb. 13, 1744. Certified as duplicate of the original, remitted in the moment to Mr. Hervier, Aug. 24, 1745. Signed: Henry, Greffr.

½ p. (10) **Receipt** to Chevalier Grenier by "Malhorty" of Cartagena for 1123 piastres, 4 reales, in three notes, Jan. 29, 1744. Signed: D. malhorty. Certified as a duplicate of original returned in the moment to Mr. Hervier, Aug. 24, 1745. Signed: Henry, Greffr.

While it is difficult from the foregoing bills to establish the cost and expense of the voyage of La Superbe, still we have a guide in the statement of Mr. Hervier, the manager of the cargo, who at the close of the foregoing documents furnishes the following:

1 p. (11) **Account Current** of what is due to the boat La Superbe for account of the

Cargo	3787.	¼
For account of Seamens' venture	732.	
For account of the Chevalier	1740.	1½

Statement of how the money was received:
Certified as a triplicate of the original account, Aug. 24, 1745, at New Orleans. Signed: Hervier.

Aug. 6. 2 pp. **Petition to Superior Council** by Honore Rafard stating that the decree of Council of July 3, 1745, condemning Sr. Hervier to remit to him sugar and bagging claimed. The sugar and bagging belonged to him and not to Sr. Grenier. This considered and the fact that he is in dire need, prompts him to beg you to relieve Sr. Avignon of his bond and

Honore Rafard sues Sr. Hervier to obtain the release of a bond executed by Avignon regarding sugar and bagging belonging to Rafard. (See judgment post August 7th, No. 8).

to cite Sr. Pierre Hervier to compel him to return note to Sr. Avignon so that the petitioner may use returns of sugar and bagging. Signed: Honore Raffard.

Order to cite signed by Lenormant.

Notice of citation served on Sr. Hervier at his domicile on petition of Sr. Raffard by Sheriff Lenormand.

Aug. 7. 4 pp.

Excerpt from Registers of the Council Aug. 7, 1745. Judgment rendered by the Superior Council. DeLisle Dupart vs. D'Ausseville heirs.

The agent of the defendants is ordered to liquidate his accounts and to pay to plaintiff the proceeds of the sale of the effects of the succession (See entry No. 9, post August 7th).

Sr. DeLisle Dupart, plaintiff, vs. Sr. Antoine Aufrere, substitute for Sr. Pery, holding procuration of D'Ausseville heirs. Sr. De Lisle Dupart having given bond for Sr. Aufrere for returns and funds of D'Ausseville succession on condition that sums recovered would be turned over to said Dupart, and it appears that sale was made of movables, immovables, slaves and cattle, it is now ordered that Sr. Aufrere liquidate his account by turning over all returns of said succession.

From a memorandum of expense and receipts it appears that Sr. Aufrere owes the succession the sum of 15613 livres, 19 sols, 8 deniers, for a private sale.

The Council now annuls all sales made under private seal and orders that all effects of said succession be sold judicially before Mr. Raguet in the presence of the Procureur General in execution of the decree rendered last Dec. 5th. Forbiding also Sr. Barbin to make any remittance to Sr. Aufrere and ordering said Aufrere to render an account of what he has received. The succession to pay costs.

(Signed): "By the Council." Henry, Greffr.

Received 5 livres.

Aug. 12. Copy of judgment left with Sieur Aufrere by Sheriff Lenormand. (Document stained, worm eaten and part of text missing.)

Aug. 7. 4 pp.

Rasteau vs. Membrede and wife

Plaintiff appears to have sued for a debt alleged to have been incurred by the deceased husband of Membrede's wife.

The answer is interesting because among other defenses it is averred that as the debt exceeds 100 livres, it can only be established by written proof and consequently the action cannot be sustained in its present form.

(See post judgment same day in favor of plaintiff.)

Defense made to Superior Council by Sr. de Membrede, Captain of a detached Company of the Marine, husband of Widow Dupart. Concerning the note signed by Sr. Dupart Membrede alleges that the note may have been paid in France, that Sr. Dupart may have made agreements of which he is ignorant as the books of said Dupart remained with the Company for his own affairs and his accounts with the Company. It is probable that the said sum was loaned by Sr. Rasteau, it is also probable that it was paid and defendant will ignore all claims unless vouchers therefor are produced. That the Widow

defended herself against the protest entered by Sr. Rasteau at Dupart's decease; Dupart may have borrowed for subsistence of the troops. Moreover defendant pleads that when a debt is above 100 livres, certificate and testimony are necessary to confirm it. He prays that Sr. Rasteau's demand be thrown out and that he appeal where he thinks fit and that costs be on him.

Aug. 7. No. 1056.

Session of the Superior Council.

Application to the Council by Henry, the clerk of same, for the appointment of Chantalou as deputy clerk.

1. Sr. Henry, Greffier, (Clerk of the Council) requests that Augustin Chantalou be appointed clerk of the Greffier. The Procureur General requires the usual inquiry before action and the Council orders an inquiry into the life and morals of said Chantalou, to be thereafter inducted into office after customary oath.

Judgments rendered.

(See the full details of these judgments printed next in sequence to this summary.)
Mr. de la Freniere retired. De la Freniere vs. Vignon, default entered.

2. Sr. de la Freniere, plaintiff, vs. Claude Vignon, called La Combe, defendant: Judgment in default against Vignon and order to cite Vignon again to appear before Council at its next session.

Mr. de la Freniere retired. Layssard vs. Lemoine, default entered.

3. Sr. Etienne Layssard vs. Sr. Lemoyne, defendant: Judgment against Lemoyne in default, order to cite again. Costs pending.

Rasteau vs. Membrede. Judgment in favor of plaintiff. (See preceding review of defendant's answer).

4. Sr. Rasteau, plaintiff, vs. Sr. de Membrede, as husband of the Widow Dupart, defendant: Council orders Sr. Rasteau to be listed among the other creditors of succession of deceased Dupart. Costs on Dupart succession.

Chaperon, tutor, vs. Tixerant.

5. Between Sr. Chaperon as tutor of minor child of Sr. Joseph Larche, plaintiff, vs. Sr. Tixerant, defendant. (Judgment not given).

Boisclair, tutor, vs. Widow Delery. Judgment for plaintiff. (See the full judgment, post Aug. 7, No. 1).

6. Sr. Boisclair as tutor of minor heirs of Sr. Joseph Delery, plaintiff, vs. Laurence LeBlanc, widow of said Joseph Delery, defendant ordered to render account as tutrix, judgment to be rendered on her report. Costs pending.

Anne Galbron, wife of Du Bic, vs. Barbin, Atty. of Vacant Successions. Judgment for plaintiff.

6. Between Anne Galbron, wife of Sr. Barthelmy Du Bic, plaintiff, vs. Sr. Barbin, charged with succession of deceased Madam Fourcade, defendant: Order to Barbin, Attorney of Vacant Estate to render account of said succession to the said Anne Galbron, who on his doing so will furnish valid discharge.

Haville and La Croix vs. Hervier. (Text destroyed).

7. Between Genevieve Haville and Jean Baptiste La Croix, plaintiffs, vs. Sr. Hervier, manager of the cargo of the captain, Chevalier Grenier, defendant. Superbe under the (Text destroyed).

Raffard vs. Hervier. Judgment for plaintiff. See entry Aug. 6.

8. Between Sr. Raffard, plaintiff, vs. Sr. Hervier, defendant: Council relieves plaintiff from bond given for sugar and bagging, that effects be returned to him and that he pay costs.

Dupart vs. Aufrere, agent. Judgment for plaintiff ordering slaves and their effects to be sold.

See the preliminary judgment. (Ante Aug. 7).

9. Between Sr. Pierre Delisle Dupart, plaintiff, vs. Sr. Aufrere, in his capacity, defendant: Council orders that slaves and effects of d'Ausseville succession be judicially sold before Mr. Raguet and that decree of Council of . . . . . be executed, and forbids Sr. Barbin, Attorney of Vacant Estates to receive any returns from said succession. Costs to be borne by the succession. (Part of text destroyed.)

Registration of Marriage Contract between J. B. Prevost and Widow Mayeux.

This was necessary to preserve the effect of the donation therein made by Prevost to his future wife.

10. Sr. Prevost and his wife (Dame Mayeux) petitioners: Considering the donation made by marriage contract on first of last July, orders that it be filed in Registry to be executed in its form and tenor.

Signed: Vaudreuil. Lenormant. Noyan. Lafreniere. Raguet.

Aug. 7. 16 pp.

Copy of Judgments rendered by Superior Council in session of Aug. 7, 1745:

Boisclair, curator, vs. Widow Jos. Delery and her husband de Montberaut.

Judgments of the Superior Council, noted in the preceding summary now here printed in full.

As hitherto noted in this index, we are fortunate in the occasional finding of these full judgments of the Council, showing as they do the method of procedure, which would otherwise have been lost in the brief summaries of such judgments as printed in earlier installments of this index.

1. Between Sr. Nicolas Chauvin Boisclair as curator of children of deceased Sr. Joseph Delery, plaintiff, vs. Sieur de Montberaut, husband of the widow of deceased Sr. Joseph Delery, defendant: Sr. and Dame de Montberaut to render account of estate of minors. Inquiry to be made in usual form to establish the number of cattle sold by Sr. and Dame de Montberaut during tutorship, the results of this inquiry to be submitted at next session of the Council, with proofs of what was advanced to the minors. Order issued to make a re-appraisement of houses, lots, plantations and slaves, as the valuation made at decease of Sr. Joseph Delery is three-quarters below the ordinary value, ordered also that Madam de Montberaut be held to replace in kind the negroes sold, by others in her possession and that moreover 600 livres be paid to meet costs of this suit and of any others that

may be necessary, the whole to be reported to Council. Other claims denied and costs compensated.

Induction of Augustin Chantalou as deputy clerk.

2. Between Sr. Henry, petitioner for induction of Augustin Chantalou as deputy Greffier after all formalities have been complied with. Consequently on August 15th, after inquiry Augustin Chantalou took the customary oath and this present filed in the Register of the Superior Council to be executed in its form and tenor.

Nicolas Chauvin de la Freniere (a member of the Superior Council) vs. Claude Vignon.

Default entered.

This case is a contribution to the ancient history of a historic parcel of land below New Orleans.

It is recited that plaintiff claims ownership of "Les Coquilles," bounded on one side by Chef Menteur and on the other by Lakes Borgne and Pontchartrain under concession of April 6, 1743, from Governor Bienville and Commissioner Salmon.

3. Between Sr. Nicolas Chauvin de la Freniere, Councillor, plaintiff, vs. Sr. Claude Vignon, called La Combe, defendant: Considering act of June 22, 1745, and petition showing that the property called Les Coquilles, bounded on one side by Chef Menteur and on the other by Lake Borgne and Pontchartrain, as per act of concession of April 6, 1743, by MM. Bienville and Salmon, Governor and Commissioner-Ordonnateur, Sr. Lafreniere intending to herd cattle on the isle belonging to him warned Sr. Vignon to withdraw his. Vignon answered that far from withdrawing them he would put others there, wherefore Lafreniere asks that Vignon be compelled to withdraw his cattle, otherwise to be thereto constrained by all legal means in view of the right of concession granted to Lafreniere and Henry Saucier. Council renders judgment in default against Vignon, called La Combe and orders him to be cited at the next session of Council. Costs pending.

Paul Rasteau vs. de Membrede and wife. Judgment in favor of the defendant on the ground that she had renounced the succession of Dupart, her deceased husband, and that therefore plaintiff is a creditor of the succession only.

4. Between Sr. Paul Rasteau, merchant of New Orleans, plaintiff, vs. Sr. de Membrede, husband of Widow of Mr. Dupart. Council orders that the debt be listed with the others of the Dupart succession and considering that the Widow Dupart has renounced her husband's succession, in view of her rights which have not been fulfilled, Council has thrown out Sr. Rasteau's claim against her.

Anne Galbron Du Bic, agent, vs. Barbin, Attorney for Vacant Estates. Judgment for plaintiff.

5. Between Anne Galbron holding procuration of Jacques Forcade and authorized by Barthelmy Du Bic, her husband, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, who has in hand the succession of the deceased wife of said Forcade, defendant: Judgment against Sr. Barbin, who is ordered to render account and to remit to said Madam Du Bic the accounts and funds of the said estate to enable her to have judicial sale made with ordinary for-

malities, giving to Sr. Barbin good and valid discharge. Costs on succession.

Haville and La Croix vs. Hervier, manager of the cargo of La Superbe. Defendant is sued on a tavern bill incurred by members of the crew of La Superbe. He contends that no action lies against the cargo therefor, because a tavern keeper cannot recover on a tavern memorandum and also because the alleged debt was incurred in violation of the regulations of the Governor and Commissaire prohibiting such people to give credit to the crews of ships. The court maintains this defense.

6. Between Genevieve Haville and Jean La Croix, plaintiffs, vs. Sr. Hervier, manager of the cargo of the ship La Superbe, defendant: Sr. Hervier's defense was that the bill presented by Genevieve Haville and J. B. La Croix was for 502 piastres and 12¼ cts., for expense made by the crew of the ship La Superbe, which memorandum Chevalier had had balanced by Sr. Ivon, "payable on return from Vera Cruz," and signed by Ivon. Sr., Hervier asks that the claim be denied in view of prohibitions made by MM. the Governor and Commissioner to public house and tavern keepers to give credit to any of the said crew and that Sr. Ivon who made and balanced the memorandum was himself of the crew and had no authority from Sr. Grenier to balance said account and thereafter the sailors mentioned in said memorandum deserted and that nothing was due. Hervier asks for aid of the Procureur General of the King to prosecute the plaintiffs as infringing the orders of the Governor and Commissioner of this Colony. Besides it is a fact that a tavern keeper can make no judicial claim on a tavern memorandum. In the number of sailors there was a slave of Chevalier Grenier who should have obtained no credit without a positive order from his master. Hervier asks that plaintiffs be moreover sentenced to pay costs of suit. The Council sends the plaintiffs to have recourse against Chevalier Grenier and orders them to pay costs.

Honore Raffard vs. Hervier, manager for Chevalier Grenier.

Judgment for plaintiff cancelling the surety bond given by him and ordering the sugar and bagging delivered to plaintiff.

7. Between Sr. Honore Raffard, plaintiff, vs. Sr. Hervier as manager of Chevalier Grenier, defendant: Council orders Sr. Hervier to remit to Raffard the sugar and bagging claimed and to cancel bond; the said plaintiff having given security through Sr. Claude Reynaud, called Avignon, Court orders that he be released and the sugar and bagging remitted to Raffard as belonging to him and Sr. Avignon to be validly discharged. Costs compensated.

Layssard Bros. vs. Lemoine. Default entered.

8. Between Layssard Bros., plaintiffs, vs. Lemoine, defendant: Judgment against Lemoine in default and order that he be cited again.

Dupart vs. Aufrere.

Judgment for plaintiff requiring defendant to settle the succession of Amyault d'Ausseville.

9. Between Sr. De Lisle Dupart, plaintiff, vs. Sr. Antoine Aufrere, defendant, as substitute attorney for Sr. Pery in settlement of succession of deceased Sr.

Amyault d'Ausseville. Considering bond given by Sr. Dupart on date of Dec., 1744, Sr. Barbin duly notified; considering the defense of Sr. Aufrere with memorandum of expense and receipt Sr. Aufrere apparently owing the sum of 15613 livres, 19 sols, 8 deniers, and a private sale by Sr. Aufrere of part of the negroes of said succession: The Council annuls all private sales and orders that all effects, slaves and cattle and other things unsold be put up at judicial sale before Mr. Raguet in the presence of the Procureur General of the King according to decree of Dec. 5, 1744, and like prohibition to Sr. Barbin to remit anything whatsoever to Sr. Aufrere, and that Sr. Aufrere will furnish a memorandum of all his receipts, without in the future being authorized to receive anything without consent of Sr. Dupart.

Registration of donation by marriage contract between John B. Prevost and his wife.

10. Sr. and Dame Prevost, petitioners: The Council orders registration in Registers of the Superior Council of donation of 1000 livres by Sr. Prevost to his wife to be taken after his decease on the movables and immovables of his estate, provided that there is no issue from their marriage.

Francoise Ruellan, wife of de Membrede vs. her husband.
Suit for separation of bed and board and property.

Defendant ordered to show cause if any against the testimony adduced.

11. Between Dame Francoise Ruellan, wife of Sr. de Membrede, plaintiff for separation of bed and board and property vs. Sr. de Membrede, defendant: Considering petition of last Dec. 3, alleging ill treatment by her husband on which permission was granted Mme. de Membrede to retire to the Convent with her daughter, the report of surgeon on condition of plaintiff, and the inquiry made before Mr. Raguet, the Council orders this petition be served on Mr. de Membrede to enter protest if any could be made against testimony given the whole to be reported to Council. Costs pending.

Aug. 9.
26757. fo. 29.
4039. 1¾ pp.

Raguet transfers to Du Breuil one arpent by four in depth on the Mississippi near the "old brewery" in exchange for one arpent owned by Du Breuil between the properties of Du Breuil and Darby.

Exchange of Land between Sr. Raguet and Sr. Du Breuil: Sr. Raguet ceding to Mr. Du Breuil before Notary Royal, a lot of one arpent frontage, by four in depth, situated on the Mississippi River, near New Orleans, bounded by the lot Sr. Dubreuil owns near the old brewery, which he acquired from heirs of deceased Pierre Dreux; transfer made to said Du Breuil of another arpent of land on the river adjoining property of Sr. Darby on one side and Sr. Du Breuil on the other, acquired from the heirs of Dreux which Du Breuil cedes to Raguet for the aforementioned land; Acts of concession to be delivered in their name for ownership of land

exchanged and for security of said exchange, they hypothecate their goods, present and to come hereafter.

Signed: Henry, notary.

Aug. 9, 26759. fo. 29. 4040. 1 p.

Protest against price set on Pery's plantation in the sale forced by Lemoine. The protest is on behalf of Mrs. Pery, claiming matrimonial rights on the same.

Declaration of Le Kintrek, called Dupont, in Registry, that on Jan. 4, 1744, he had entered protest to the price set on plantation of Sr. Pery, sold on petition of Sieur Lemoine, Madame Pery protesting by her matrimonial rights, considering that she and her husband were separate in property, Sr. Aufrere insisting that the plantation be put up at the lowest price, as he wished to buy it for his daughter, Madam Pery, who had no ready cash and that Sr. Aufrere had said that since he could not obtain the town house for his daughter it was just that she should own the plantation.

Signed: leKintrek. Henry, Greff.

Aug. 9. 5998. 2 pp.

Notice to the public that the slaves belonging to the Larche Succession will be offered for lease to the highest bidder on Monday, August 16th.

Petition to Superior Council by the Procureur General of the King that on the coming Monday it be proceeded to another lease and adjudication of slaves of deceased Joseph Larche's succession on the same conditions and clauses as previous lease, costs to be paid or sufficient bond furnished, publication to be made next Sunday.

Aug. 15, 1745. Notice to the public that on Monday, Aug. 16th, slaves of Larche succession will be leased to highest bidder.

Signed: Lenormand.

Aug. 9. 1½ pp.

Adjudication of leases of slaves of Larche succession. Signed: De Troyes. Raguet.

Appearance in the Registry of Dame Therese de Grandpré who declares that the negress adjudicated to Sr. de Troyes, has been leased to her for the sum of 125 livres, 10 sols, which she obligates herself to pay in November of the present year.

Signed: grandpre.

5980. 1856. 4 pp.

Aug. 16, 1745. Sale and adjudication of leases of slaves of succession of deceased Joseph Larche, on petition of Joseph Larche, husband of deceased Marie Le Coq, widow of Joseph Larche, and tutor of Julienne Larche. The lease is to cover two years, on conditions and clauses mentioned, costs to be paid by lessee and the rent to be paid yearly.

Signed: fleuriau. Tixerant. Lenormand.

(Document stained and pale.)

5984.

An old lease of same slaves executed in 1736.

May 14, 1736. (Inclosed in previous document.)

Sale and adjudication of leases of slaves of deceased Joseph Larche's suc-

cession on order of Mr. Edme Gatien Salmon, Commissioner of the Marine and Ordonnateur of Louisiana.

Signed: Le Petit de la Compe de Jesus. fleuriau. Salmon. Aufrere. Henry, Greffr.

Aug. 12. 26765. fo. 29. 4042. 1 p.

Acknowledgment of monies received for transmission abroad.

Acknowledgment by Lalanne Jr., of receipt from Coupine of four hundred and forty piastres in silver, which he promises to remit to Mr. Lalanne, his father, by letter of exchange or by the first vessel of the King sailing from this port, on request of Mr. Lalanne.

Signed: Lalanne. Henry, Greffr.

Aug. 17. 26767. fo. 29. 2 pp.

An Indian female slave from Natchez is sold at auction for 370 livres.

Sale of a Savage Woman owned by Chevalier d'Orgon, Captain commanding at the Natchez, set up for sale at auction by Mr. Prevost, holding procuration of Chevalier d'Orgon, said slave finally adjudicated at the sum of 370 livres. The undersigned Prevost acknowledges receipt of the sum of 370 livres, as price of adjudication of slave sold for Chevalier d'Orgon.

Signed: Henry, Greffr. with paraph.

26767.

Act of sale to Mrs. J. B. Prevost and in fulfillment of aforesaid adjudication.

Sale of savage slave, named Marie Therese, sold by auction and adjudicated to Francoise Plassan, formerly Widow Mayeux, now married, (separate in goods), to Mr. Jean Baptiste Prevost, price of the sale 370 livres paid cash.

Signed: Prevost. Chantalou. Lefort.

Aug. 17. 26769. fo. 29. 4043. 1¾ pp.

Revocation by Pery of his substitution under power of attorney to Aufrere.

Revocation by Sr. Gerard Pery of the procuration of the D'Ausseville heirs which he turned over to Sr. Aufrere as his substitute. This was done in consideration of the difference between Sr. Aufrere and Dupart, and demand that Aufrere return immediately all papers, titles and instructions concerning the said succession, offering to keep account of all expenses he may have made.

Signed: G. Pery, Henry, Greffr.

Aug. 17. No. 1057. 5 pp.

Sale of slaves of the Concession of Dartagnan under a decree of September 7, 1737, condemning the Dartagnan Concession to pay 115,618 livres, 17 sols, 4 deniers.

Proces Verbal of sale of slaves of Concession of Dartagnan, made on petition of Sr. J. B. Prevost, Agent of the Company of the Indies, by virtue of "sentence" of the Commissioner of the King and joint Commissioner on Sept. 7, 1737, by which the Dartagnan Concession was condemned to

Sale provoked by J. B. Prevost, Agent of the Company of the Indies.

pay the sum of 115,618 livres, 17 sols, 4 deniers, to settle account of Srs. de Benac and Galimache, former Directors of said concession, on date of Dec. 31, 1731, notice of this sentence having been served by Sheriff Lenormand.

Reiterated order on the 26th of April and seizure of on 27th of last July. Inquiry made by Mr. de Macarty and order to produce the slaves seized Aug. 14, 1745.

Sale and adjudication signed: Macarty Mactigue. fleuriau. Prevost.

Protest filed on day of sale by Mr. de Macarty, acting for owners of said concession. Signed: Macarty.

Aug. 19, 1745. Notice to appear before Council to Sr. Prevost served on him personally by Sheriff Lenormand.

Aug. 18. 26771. fo. 29. 4044. 2 pp.

Procuration by Francois Arnaud to ratify donation by his deceased mother to Joseph Trudeau of a lot in the seigneury of Longueuil in Canada.

Procuration in blank granted by Sr. Francois Arnaud, a resident of New Orleans, son of Jean Arnaud and deceased Dame Marie Trudeau declaring that his deceased mother donated to Sr. Joseph Trudeau a lot dependent of the seigneury of Longueuil in Canada, and wishing to aid his uncle he approves of said donation and wishes the person who will hold this procuration to sign renunciation of all pretensions thereto.

Signed: Arnaud. Chantalou. Lenormand. Henry, notary.

Aug. 18. 26775. fo. 29. 4045. 1 p.

Receipt for 3420 piastres in payment of 114 cases of flour of Vera Cruz. See the captain's protest, post Aug. 23.

Receipt to Layssard Bros. by Jacques Darjou, Captain of the ship l'Aimable, now in port of New Orleans, for the sum of three thousand four hundred and twenty piastres in payment of 114 cases of flour of Vera Cruz, sold to Sr. Hervier by Sr. Hugues Grangent of Havana.

Signed: Darjou. Chantalou. Lenormand. Henry, notary.

Aug. 19. 2½ pp.

Pere Charles, Superior of the Capuchins, petitions for an order to Barbin, Attorney for Vacant Estates, to pay the late Sieur d'Ausseville's quota of the assessment levied on the inhabitants of the Chapitoulas to support the Cure of that Parish.

Petition to Superior Council by P. Charles, Superior of the Capuchins, stating that last February the inhabitants of "Chapitoulas" were ordered to pay the sum of 1850 livres for the Cure, the inhabitants of this parish being assessed for that purpose, Sr. Dauphin undertook recovery of same, Sr. D'Ausseville was on the list for his quota and he appealed to Sr. Barbin, Attorney of Vacant Estates, who replied that he could not pay deceased d'Ausseville's assessment without an order from the Council, which

petitioner prays you, Gentlemen, to issue, and valid discharge will be given to Sr. Barbin.

Signed: F. Charles Cap. Supr.

Citation issued by Lenormant.

Aug. 23, 1745. Notice to appear before Council served on Sr. Barbin, Attorney of Vacant Estates, by Sheriff Lenormand.

Aug. 22. No. 1058. 4 pp.

Marriage Contract between Pierre Mondion, Corporal of a Marine Company and Marie Anne Carpentras, a minor.

Marriage Contract of Pierre Mondion, Corporal of a Marine Company, son of Pierre Mondion and Marguerite Boulaye, a native of Beaumont in Picardy, Bishopric of Beauvais, and Marie Anne Carpentras, minor daughter of Francois Janoi, called Carpentras, deceased, and of Toinette Suzanne now wife of Alain Elizet, a native of New Orleans, bishopric of Quebec.

Signed: Pierre Mondion. A. Romain. Lerable. Chantalou. Jacques Gosselin. Henry, notary.

Aug. 23. 2677. fo. 29. 4046. ½ p.

J. B. Prevost signs bond for the captain of the ship Le Galant bound to the Windward Islands.

Bond furnished by Jean Baptiste Prevost for Sr. Duberroa, Captain of the ship Le Galant of Martinque, going from America to the Windward Islands, Sr. Duberroa promising to execute the ordinance of the King as agreed between them.

Signed: Prevost. Duberroa. Chantalou. Henry, notary.

Aug. 23. 2677. fo. 29. 4047. 1½ pp.

Protest by the Captain of "l'Aimable", a ship in port that notwithstanding his receipt of August 18th (see that entry) he received only 2790 piastres for the flour at the rate of 30 piastres per case.

Declaration in Registry by Sr. Jacques Darjou, Captain of the ship l'Aimable, now in the port of New Orleans, about to sail for Havana, that needing the funds of the letters of exchange remitted to him by Layssard Bros., amounting to two thousand seven hundred and ninety piastres to order of Sr. Bernard Grangent of the Cape he was obliged to tender an acknowledgment to Lyassard Bros., for the sum of 3,420 piastres for 114 cases of flour at 30 piastres per case when he really received but two thousand seven hundred and ninety piastres at twenty-four piastres per case and 3% for delay.

Aug. 24. 26779. fo. 29. 4048. ½ p.

The death of a slave is reported to the Council.

Report in Registry by Sr. Michel Brousset of the death of one of his slaves named Marie on this day.

Signed: Brosset.

Certified by Henry, Greffr.

Aug. 24. 26780. fo. 29. 1½ pp. 4049.

Sale of a slave called Manon and her two children for 400 livres.

Sale of a Slave, called Manon and her two children by Capraise Mathieu, a merchant of New Orleans to Gilbert Cacadier called Dusigne for the sum of 400 livres, paid cash. Mathieu bought said slave from La Branche and La Branche acquired her from judicial sale of slaves of Dartagnan concession.

Signed: Mathieu. G. Cacadier. Chantalou. Lenormand. dusigne. Henry, notary.

Aug. 30. 26786. fo. 29. 4051. 3½ pp.

Marriage Contract executed at Pointe Coupee, Patin-Rondot.

Marriage Contract passed at Pointe Coupee before Notary named ad hoc by Mr. Trenaunay Chanfret, subdelegate of Mr. Lenormand (Le Normant) at said place between Antoine Patin, son of Antoine Patin, called Bellair and deceased Gaspard Demonette, a native of Bayougoulas, bishopric of Quebec, and Marie Anne Rondot, minor daughter of Jean Rondot and Marie Collon, stipulating for her. The bride is a native of New Orleans, bishopric of Quebec. Sr. Antoine Patin was assisted by Sr. Etienne Patin, Pierre Rivard, and Simon Calais, relatives and friends. For the bride were present Mr. de Pontalba, Commandant of the Post of Pointe Coupee, Etienne Decuir, Pierre Durocher, called Castillon, also relatives and friends.

Signed: A. Patin. Marianne Rondot. Patin. Jean rondot. Rondot. Calais. Rivard. pontalba. pier duroche. Potin, notary.

Note—The record contains a certified copy of this document collated by Chantalou.

26789. April 26, 1768. Receipt for dowry of Marie Anne Rondot, wife of Antoine Patin, given by Sr. Leonard Mazange*, in New Orleans, acting in name of said Patin of Pointe Coupee. Division being made between the brothers of goods left by Jean Rondot and Marie Collon, parents of said Dame Patin. Her husband acknowledges that he is given her dowry. (Not signed).

*This is our first encounter with Leonard Mazange whose name figures largely as a lawyer in New Orleans during the Spanish regime.

Aug. 30. 4 pp.

Pierre De Lisle Dupart resumes his lawsuit against Antoine Aufrere, as attorney of the Succession of Raymond Amyault d'Ausseville. Many previous entries on this matter are here followed by a demand that the defendant be arrested as a method of compelling him to account.

Petition to Superior Council by Pierre De Lisle Dupart for citation of Sr. Antoine Aufrere, as attorney of heirs of deceased Sr. Raymond Amyault d'Ausseville to be ordered to remit to the petitioner the sums received from the said succession and papers to make it possible for those concerned to prosecute delinquents and in case of refusal he prays that Sr. Aufrere be prosecuted by all ordinary means

even to bodily apprehension as stated in his demand of July 19, 1745. Signed: Dlle. Dupart.

Order to serve notice of citation on Aufrere for the next session of the Council.

Aug. 31, 1745. Notice of citation served on Sr. Aufrere, on petition of Sr. De Lisle Dupart, at his domicile by Sheriff Lenormand.

Sept. 30, 1745. Reiterated summons to Sr. Antoine Aufrere to appear in the Chamber of the Superior Council on the following Monday, on petition of Sr. Delisle Dupart, who prays that he be sentenced to pay costs until final judgment. Copy of petition left with notice of citation.

Signed: Lenormand.

(To be Continued)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA XXXIII.

April-June, 1780

(Continued from April, 1931)

By LAURA L. PORTEOUS
Marginal Notes by Henry P. Dart

For list of the officers and officials appearing in this instalment, see the recitations contained in the Quarterly for April, 1931, Spanish Index, p. 271.

April 1, 1780.
Intestate Sucession of Lorenza Delhommer.
No. 3549. 139 pp.
Court of Alcalde
Pedro de Verges.
Assessor.
Escribano, Mazange.

This record covers the administration of the Estate of Lorenza Delery, widow of Charles Delhommer. There is reason to believe this is a contemporary incorrect Spanish rendering of the old colonial name de Lorme. She died intestate and it was in such cases that the meticulous piling up of costs had full play.

The procedure followed in this record has been made familiar by detailed reviews of similar records previously printed in this department of the Quarterly. We shall therefore note only the high spots of the case.

The decedent died on her indigo plantation about four leagues above New Orleans located between the plantations of Juan Arnaul and Alexander Lafreniere. The certificate of death was furnished by Father Cirilo de Barcelona, Parish priest of the Church of St. Louis, New Orleans. The two official notaries of that city (Mazange and Almonester) certified the decedent left no will in their records and Alcalde de Verges appointed Francisco Broutin, a lawyer of the Cabildo, Curator ad lites to the decedent's minor children Alexandro, Antonio and Marguerita Delhommer. (Later on as we shall see, these children appear under somewhat different names, but this is not unusual in the old Spanish records.)

In the meantime, the ceremony of gathering up the keys of the decedent's property had been performed by Francisco Delery, a relative who was appointed guardian of the estate and to whom the Alcalde in his turn delivered the keys. This very curious ceremony seems to be the survival of some ancient formula whose origin we have not traced. In a case like the present, it was a gesture but it permitted the officers to make a charge. Broutin the curator ad lites, thereupon prayed for an inventory and valu-

ation of the estate and the court ordered Delery to place the property on exhibition for that purpose. At the same time, the Alcalde appointed the official appraisers Francisco Bijon and Adrien de la Place and set a day for the taking of the inventory. He also on Broutin's petition ordered Delery to send a pirogue to New Orleans to convey the official corps to the plantation.

On April 17, 1780, the journey up the river to the plantation was begun, the party consisting of Alcalde Pedro de Verges, Escribano Mazange, Francisco Broutin, curator ad lites, and Adrien de la Place, appraiser. They arrived at half-past nine P. M. and began their labors on the following day. The inventory covers household effects, silverware, live stock, slaves, buildings and land. This done the party returned to New Orleans via the river and the pirogue, the whole at the expense of the estate.

Thereupon the record begins to bristle with the product of Broutin's busy pen. He asks that Delery be ordered to declare whether "he has put on exhibition" all of the decedent's estate. This simple act requires notification to Francisco Delery at his plantation, who fails to reply and Broutin moves that the inventory be approved by the Judge (who it is to be borne in mind had taken it in person). Another notice is sent to Delery who again fails to reply and Broutin counters with a petition to declare him in default and to appoint "an intelligent person" to represent him in the proceedings. The Alcalde appoints Fernando Rodriguez to represent the guardian of the estate and a notice of this is sent to Delery. The Alcalde in due course declares Delery in default and approves the inventory.

Broutin now prays for a sale of the property of the estate and that the guardian name an attorney to represent him. Thereafter Delery arrives upon the scene and appoints Santiago Livaudais his agent as guardian of the estate and Livaudais appoints Rafael Perdomo his attorney, (another of the privileged Cabildo group of attorneys) who consents to the sale and the first, second and third calls (or cryings) are made and the auction is concluded on May 31st.

Broutin next asks that Delery be ordered to file an account and sworn statement and the Alcalde having rendered the order, Rafael Perdomo acting for Livaudais intervenes and suggests that the latter and not Delery should render the account and asks the court to notify Livaudais. In the midst of this procedure, Delery again appears in his capacity as testamentary executor (?) and as guardian of the minor children Carlos, Vignon and Margarita Delhommer, children of Lorenza Chauvin Delhommer. He alleges that the movable property and the slaves of the plantation having been sold, the latter remains abandoned, its doors, windows and fastenings have been stolen and it is suffering deterioration daily to the great injury of the children, and he prays that the same be ordered sold on three years credit.

He further asks that Fernando Rodriguez be appointed to act for him as Rafael Pernando is absent from the city. The new lawyer moves for a taxation of the costs and the Alcalde ordered this done by Andres Armesto (another one of the official corps) who fixes the same at 199 pesos, 3 reales.

Alcalde Jancinto Panis now takes charge in place of Alcalde de Verges, and Rafael Perdomo appears before him seeking an order on Delery to pay the taxed costs. There is more delay and wasted motion, but Broutin comes forward with a petition for the sale of the plantation on three years credit and this being ordered, the same is called three times and sold on May 24, 1781, and adjudicated to Francisco Xavier Hazeur de Lorme for 1200 pesos payable in one year. This adjudication is signed by Alcalde Panis, by the adjudicatee and by Francisco Delery, Francisco Broutin, Edme, Joseph, Francis Joseph Delhommer, Juan B. Desillest, Chevalier Delhommer and Leonardo Mazange.

At this point in the record appears a paper, whose presence in the record is not explained, but it probably is a survival of a proceeding taken by the now deceased widow after the death of her husband. It is dated November 3, 1778, and is a request by Madame de Lhommer to Francois Seimars de Bellile, Commander and Judge at the Cote des Allemands to sell her plantation and five negroes and one negress. The plantation consists of 13½ arpents front by the ordinary depth, situated about 4 leagues above the city on the left bank of the river, adjoined on the lower side by Mr. de La Freniere's place and on the upper by Mr. Arnoul's, on which there is a principal house, a kitchen, a storehouse, and all the necessities for making indigo, four cabins, fences, etc. The sale seems to have been made, all to be paid for in the current month of October, and the negroes brought 2417 pesos. There was no bid on the plantation.

Broutin contests items of an account filed and prays that the court order the contador to draw up a partition. Delery counters with the appointment of Fernando Rodriguez to represent him as guardian and prays that the settlement be expedited and the succession closed. Rodriguez contests Broutin's findings and recites that some of the effects of the estate have been taken by Delery and the children and consents that this be charged to them. On behalf of Delery he asks that 10% of the returns of the estate be allowed as compensation for the labor, expense and inconvenience suffered by him in these numerous visits to New Orleans. Broutin having been notified and remaining "in default," Rodriguez takes the offensive, seeking to have action on this new pleading.

At this point Juan Baptiste Desillest (good old French names disguised by the Spanish scribe) appears on behalf of his wife, Carlotta Delhommer and of Edme, Francisco and Alexandro, all children of the deceased, Carlos Joseph Delhommer and Laurencia Chauvin Delery. (Here we seem at last to get the

correct version of the membership of the family). On their behalf Desillest pleads that Delery's account is correct, that as to Broutin's objections, all of them know about the silver watch received by Francisco appraised at 18 pesos, and about a cow valued at 14 pesos which died and about the two beds and some wearing apparel which were kept for the children, and finally Desillest asks that Delery's account be approved. The Alcalde (Panis) orders the costs of this last move to be taxed and another charge is incurred in so doing—the new taxation being 75 pesos, plus the 199 pesos previously taxed.

On November 20, 1782, Louis Liotau makes the partition under which *each* of the following named persons received 667 pesos 6½ reales, viz.: Carlotta, wife of Desillest; Edme; Francisco; Alexandro; Marguerite and Bernardo Billion (?) (probably Villon), or a total of 4002 pesos, 42 reales. It is confusing to discover six children now participating in this partition when the record starts with three, but we have done the best we could with the report on the record from which this summary has been made by the Editor of the Quarterly.

Broutin appears with a motion to deliver the records to him for his consideration, and thereafter approves the partition. Why he had to have an order of this kind entered is another one of the enigmas of these Spanish law files. With this motion comes Edme and Francisco Delhommer and J. B. Desillest approving the partition in behalf of themselves and of Alexandro Delhommer who is absent. In the intermediate flight of time, a new Alcalde, Francisco Joseph LeBreton Dorgenois, appears in office and he approves the partition. The legal adviser of Mr. Delery becomes an escribano of the Cabildo and his client appoints Pedro Bertoniere to replace him, who tenders the resignation of Mr. Delery as curator ad bono of the children who pleads for leave to resign because of his advanced age, infirmities and increasing family. These and his many and varied occupations and the burden of the curatorship impel him to ask for relief.

Broutin, curator ad lites, agrees to this and on his petition Francisco Delhommer, brother of Margarita and Bernardo Bignon Delhommer, is appointed curator ad bono, who accepts and qualifies by giving bond with Francisco Delery as surety. The last act in this long and costly proceeding is the judgment of Alcalde Le Breton-Dorgenois, who confirms the appointment of Francisco Delhommer as tutor ad bono and confers on him the power necessary in law to act as tutor, to defend, educate and instruct his wards as a true father of a family would and must.

The curtain rings down on the petition of the new tutor who says that the succession of his mother being closed and settled it is necessary to tax the costs. The Alcalde orders this and adds "let each party pay for what he has caused."

April 5.
Useful information required on the sale of a house belonging to the La Vergne Succession.
No. 3563. 24 pp.
Court of Alcalde Pedro de Verges.
No Assessor named.
Escribano, Leonardo Mazange.

Under this title are recorded the legal proceedings set on foot by Nicolas Lavergne to sell a house on Dauphine Street in New Orleans belonging to himself and John, Bartholomew and Peter, his brothers.
He seeks the sale because the house is falling into ruin and the owners lack the ability to work and make the repairs themselves.
The house and lot are sold at public auction for 360 pesos and the proceeds duly divided after deducting 37 pesos, 3 reales, costs of the proceeding.

Nicolas Lavergne petitions, saying that by the death of his parents, Juan Lavergne and Maria Juana La Clé (La Clef) there remains different pieces of real property that were sold and for the part that comes to him he has received, with his three brothers, Juan, Bartolome and Pedro, absent, a house to live in situated in this city that is very old and falling into ruins. None of the four heirs have funds to repair it and lack the ability to work and make these repairs themselves. There are no inventories of this house in the possession of his step-mother and he asks that she declare under oath whether when she contracted marriage with his father he did not bring this house to the community and done deliver her declaration to him. Juan B. Wiltz declares under oath for Mrs. La Vergne, saying that the house belongs properly to the said heirs and that their father brought it to the marriage that he contracted with her and that the house is in very bad state and unless it is promptly repaired it will fall into ruin.

Nicolas Lavergne thereupon petitions saying it is evident from the declaration of his step-mother that the house in question belongs to him and his three absent brothers. He asks that this house be sold and a fourth part of its purchase price turned over to him as it is impossible for him to repair the place. Alcalde de Verges rules: "let the petitioner make the expediency of the sale evident that he requests."

Lavergne presents three witnesses, Joseph Callier, Francois Brunet and Antonio Dubois and each in a separate declaration sets forth that it will be useful and beneficial to the plaintiff and his absent brothers to sell the house because it is falling into ruins and there are no funds to repair it. On the strength of this information Lavergne asks that the house be cried for sale. Alcalde de Verges orders the petitioner to present his baptismal certificate. This he does showing that on July 8th, 1755, there was baptized, Nicolas, born 6th of the same month of the marriage of Jean La Vergne and Marie La Clef. The god-parents were Francois La Clef and Francois Lissene. Thereupon the Alcalde orders the house appraised by Messrs Francois Bijon and Adrien de la Place, who describes the place as 60 feet front on Dauphine Street by 120 deep with a house 40 feet long by 18 wide with front and back galleries 7 feet wide. The house

divided into 3 parts with a double brick chimney. It is appraised at 350 pesos. This house is located between Mrs. Martin and Joseph Caye on Dauphine Street.

The petitioner again asks for the sale. The three public calls are given April 11, 20, and 30 and the auction is held May 27. There was no bid and the house was offered again on the 29th and adjudicated to Juan Bautista Anstue at 360 pesos.

Lavergne asks that costs be taxed and that he be paid the part coming to him from the sale. The Court orders the costs taxed by Manuel de Armesto and the portion that should go to Nicolas Lavergne paid to him upon his giving a receipt for same. Armesto taxes costs at 37 pesos 2 reales. Nicolas La Vergne receipts for 80 pesos 5½ reales. On June 3, 1780, Bartolome Lavergne, a second brother, petitions for one fourth of the selling price. Alcalde Pedro de Verges orders 80 pesos 5 reales paid to him under his receipt, which he signs the same day. Later entries cover like payments to the other brothers.

April 9.
Beltran Auret vs. Francisco Lemeille over the landmarks of the plantation (at Opelousas, La.).
No. 3537. 9 pp.
Court of Alcalde
Pedro Piernas.
Assessor, Postigo.
No Escribano named.

This suit bears all the earmarks of our modern possessory action and the latter was evidently a well established rule of practice in 1780.

The petitioner produces a paper title, together with a map. He alleges possession of the real property for more than three years and that he has been physically disturbed in his possession by the defendant, his vendor.

The complaint was made by the plaintiff to Commander de Clouet at Ope ousas, who decided against plaintiff on the ground that his title did not cover and include the limits of his alleged possession. The Commander further ruled that if Auret was dissatisfied with this ruling he should take the issue to the Governor's Court. Auret thereupon filed this suit in New Orleans and it appears to have been tried by Alcalde Piernas.

Bertrand Auret resident of Opelousas through his attorney in New Orleans, Francisco Broutin, sets forth that as it appears from the act of sale he presents he bought from Francisco Lemielle a portion of land with its limits bounded on one side by the road and the big bridge that leads to the Church and on the other up to the limits of Juan Tesson's place, rounding at the Bayou without other depth up to the road that leads to the Church as appears on the plan, also presented.

He says he has been in possession of this land for three years, has built his houses and made two crops without having been disturbed until now, when Lemielle presents himself before Alexandro de Clouet, the Commander, to his great prejudice. He avers he has not been able to make a crop this year because he has been disturbed in his lawful possession of the land by Lemielle.

He prays the Alcalde to order that he be left in quiet and peaceful possession of the land he holds in conformity to the boundary marks planted at the sale and in

We have not yet discovered the rule of procedure by which the Alcalde in New Orleans took jurisdiction over a suit against a resident of Opelousas, but this situation occurs so often in the Spanish records, we must assume that the Alcaldes exercised such jurisdiction either on a general rule, or by direction of the Governor. In short, that the Court of the Governor and of the Alcalde exercised concurrent jurisdiction. The Alcalde (Piernas) brushed aside the defense and ruled that the plaintiff in possession must be quieted and a peremptory order was issued to Commander de Clouet to restore to plaintiff immediately the possession of the land of which he has been despoiled. "Do not let it be necessary for the plaintiff to enter into any other lawsuits before this tribunal, but put him in possession of his land freely and without obstacle." It is evident that the officials in New Orleans had small patience with the efforts of local Commanders to make jurisprudence; that was a power to be exercised by the Governor and his judges and not by local commanders.

the plan. He protests once, twice and three times in the best form and according to law against all damages, prejudices and arrears that have been occasioned him and asks that a despatch be issued in due form to Commander Alexandro de Clouet, with an enclosure of this written petition, the sale and plan and order that the limits be examined by experts appointed for this purpose. He names for his part Antonio Boisdore and Ennemond Meuillon and let LeMelle name his within a short space of time and done let all be sent to him to use to enforce his rights.

Alcalde Pedro Piernas on Assessor Postigo's advice rules; issue a despatch to Commander Alexandro de Clouet directing him to carry out all the requests of the foregoing petition. Costs taxed at 43 reales.

The act of sale referred to above is dated June 15, 1777, in which Lemelle sells to Auret before Commander de Clouet. The plan shows the limits and boundaries as set forth in the petition. Inclosed, but detached, is an order signed by Commander de Clouet to Mr. Boisdore appointing him to act as arbitrator for Mr. Bertrand (Auret) as decreed by the Court in New Orleans. A certificate dated New Orleans, June 21, 1780, signed Jose Athnes de la Hego, or Hebo, recites that on November 11 last, he went to Bertrand's house and in the presence of the Acting Commander gave a message to Bertrand from "Musiur le Crueta" (M. le Cure) concerning the fences.

Other papers in the record are: (1). A decree extracted from a letter written by Mr. de Clouet to Mr. Lemelle, dated Atakapas, December 17, 1779, the certified copy of which is made in Opelousas March 22, 1780, to the effect that Mr. Auret must be notified of the present communication wherein it is stated that after reading the act of sale, in the original, of the piece of land that has been sold to him he, de Clouet, finds that it only goes back on the Bayou as far as Tesson's landmarks and that Auret's buildings and enclosures have been erected on the part that belongs to Lemelle. If this judgment does not please Mr. Auret he can have recourse to the Governor General's Court.

(2.) A petition of Auret, February 1, 1780, to Commander de Clouet saying; that he has acquired a piece of land from Mr.

Lemelle which was bought by a paper drawn up before de Clouet. This land is bounded by the road and big bridge that leads to the Church as far as Mr. Jean Tesson's landmarks lying alongside of the Bayou, but of no greater depth, up to the road that leads to the Church. The petitioner thinking that he had bought this land, and in good faith proceeded to build a house 40 feet long by 20 wide with galleries 7 feet wide and made other improvements. He has been left in peace here for two years, but November 11, 1779, Francois Lemelle came to his house and ordered him verbally in the presence of Joseph Lamirande Sr. and Joseph Albares to make his fence on order from Mr. de Clouet. The petitioner answered that he could not make the fence until he had the honor to speak to Mr. de Clouet. Lemelle indicating where the fence should be put which changed the boundary line according to the original transfer, and taking land from Auret that rightfully belonged to him. He was told that he could not see Mr. de Clouet but that he must make the fence at his own expense, which he answered he could not do. He prays Mr. de Clouet to render a decree so that he may attend to his crops, having already lost a piece under cultivation that the cattle have eaten because the fence was not repaired which Lemelle had ordered removed and placed in a new position at Auret's expense. He prays that they do not annul the sale.

(3.) A letter to Mr. Auret signed Boisdoré relative to the Arbitration of the land marks, the plaintiff again petitions de Clouet, saying; that the two arbitrators have verified the examination made of the landmarks mentioned in the act of sale of the land he bought from Lemelle. He asks that the matter be settled as he has lost much time. Commander de Clouet rules to send the case to the Governor General.

On October 14, 1780, Pedro Piernas on Postigo's advice decrees that the Commander at the Post of Atakapas, Alexandro de Clouet, must immediately put Mr. Bertrand Auret in possession of the land of which he was despoiled and that his title of ownership be made clear and that it be fully set forth that he bought the land from Francisco Lemelle and that it was marked off from the road of the big bridge that leads to the Church as far as Tesson's landmarks the length of the Bayou. Put him in full possession and do not let him be disturbed nor annoyed in the future, punish any transgressor and demolish the buildings that have been erected on this said land by other than the cited Bertrand Auret. Do not let it be necessary for the plaintiff to enter into any other law suits before this Tribunal, but put him in possession of his land freely and without obstacle.

This, record, is among the first of a long series in the country parishes to have property lines and titles straightened out where real property has been acquired by a simple piece of paper.

April 10.
Philip Barbour vs. Samuel Wells.
No. 3542. 33 pp.
Court of Alcalde
Pedro de Verges.
Assessor, Postigo.
Escribano, Mazange.

To collect a debt.
The purpose of this suit is akin to an attachment as followed at the present day. The suit is entirely between Englishmen, non-residents of Louisiana. The plaintiff, a resident of West Florida, representing Bradley and Harrison of Jamaica sues Wm. Horn (also written Hiorn) of Natchez, but present in New Orleans to seize (embargo) money and property in his hands belonging to Samuel Wells of Manchac, who is alleged to be a debtor of plaintiff's principals.

The process is directed against Horn, who is subjected to interrogation before the escribano and it is decided by the Alcalde that in the washout of his financial relations with Wells, he, Horn, has sufficient funds to pay plaintiff's debt.

It would appear that Horn was about to leave the jurisdiction en route to London, England, and he was ordered to pay the debt before leaving under penalty of imprisonment.
The record shows that he made the payment and the plaintiff endorsed that fact on the back of the acknowledged open account on which the suit was brought. This was to enable Horn to use the judgment and the debt in his settlement with Wells. It is an interesting proceeding, particularly from the zeal with which the Spanish Court here safeguarded the rights of non-resident appealing to the protection of the local court.

It is an early example of the principle of reciprocity, i. e., the use of local law courts and procedure for litigation between foreigners.

The plaintiff by notarial act appoints Rafael Perdomo to act as his attorney and presents an account showing an indebtedness of 1106 pesos 1 real for cattle. Across the back of the above is a receipt signed by Barbour, (after this suit was ended) to the effect that he has "received from Wm. Hiron (also given as Gueren) 589 dollars and 5½ reales and also the sum of 38 dollars and a half for the expenses of a suit in recovery of said sum, I have given him a copy of a power of attorney which entitled him to recover same." There is also filed a procuration by John Bradley and Joseph Harrison late of the Island of Jamaica to Philip Barbour of the Province of West Florida and George Harrison of the same place to act as their attorneys to collect all sums due them. Barbour petitions that the two foregoing English documents be translated into French and Spanish and that these translations be delivered to him. Under this order of the Alcalde, Alex Reaud makes the French and Pedro Cowley the Spanish translations.

Thereupon Philip Barbour alleges that Guillermo Geren (he signs himself William Hiorn) has conveyed to this port effects for the account of Samuel Wells, resident of Anache (Manchac?) to pay a debt of 589 pesos, 5¼ reales as appears from accounts Wells owes John Bradley and Joseph Harrison. In virtue of the power bestowed upon him by his principals he asks the signature be verified and the debt ordered paid. He further alleges that Guillermo Hiorn has made various alienations and payments with the effects that he has brought as

Aside from its legal points, the case illustrates the extent the Mississippi and the port of New Orleans was used in English commerce—in this instance, a cargo of tobacco was brought to New Orleans and sold "to the King of Spain" at 9 French sols the pound.

freight. He asks that he be prevented from disposing of his effects until the debt is settled. Alcalde Pedro de Verges on Assessor Postigo's advice rules; Let Huern (Hiorn) swear and declare as petitioned and let him be notified that he must not dispose of his merchandise and effects without an order from the Court. Let Juan Blommard be named interpreter, who must accept and take oath.

Blommard qualifies and Guillermo Gueren declares on the Holy Evangelists, because he is a Protestant, that Samuel Wells delivered to him a portion of tobacco composed of 20 barrels to sell in this city but that he, (Hiorn) handed over to Wells a letter of credit drawn upon himself for a sum a little more than it was considered that the tobacco would bring. He has current accounts with Wells who has bought a plantation in Opelousas from a Spaniard with a letter of credit, and that the Spaniard has presented himself with it and that he, the one declaring, has paid it and has the letter of credit in his possession. He does not know if there remains in his keeping any more money belonging to Wells and that it may be that Wells owes him. Upon showing him the signature that is at the end of this account he says that it is that of Samuel Wells and the one that he is accustomed to make as he has seen it many times. In virtue of this declaration the escribano notified him to hold in his possession all the sums of money he has belonging to Wells until this Court makes other disposition. This said declaration is signed by Wm. Hiorn, Juan Bloomart before Escribano Leonardo Mazange.

Philip Barbour's next two petitions ask first for the above declaration and in the second he states that Geren (Hiorn) plans to leave the next day for Natchez and it not being regular that he should absent himself until the debt is paid, he prays that he be ordered not to leave until this suit is finished. To insure his remaining in the city let no passport be issued to him and that the money he holds belonging to Wells be deposited by Geren (Hiorn) in the General Depository. Piernas on Postigo's advice rules that Geren (Hiorn) must not leave the city without having appointed an attorney instructed to represent him.

Barbour next presents an interrogatory upon which Guillermo Geren (Hiorn) must be questioned.

1st. Q. What were the number of pesos given in the letter of credit that he says he turned over to Samuel Wells to draw against him?

A. The letter of credit was for 229 pesos, a little more or less.

2nd. Q. If besides the barrels of tobacco that he says belonged to Wells he has drawn other effects from this man and in

case he has, what are they? Do they exist, or have they been sold, to whom and at what price?

A. Besides the hogsheads of tobacco he received fifteen barrels of salted meat. The tobacco was sold and delivered to the King's warehouse with the exception of three hogsheads that were refused because they were found not to be good.

3rd. Q. What was the Spaniard called whom he says sold the plantation to Samuel Wells, does he reside in this city, or of what place is he a resident? In what month and year was the sale authorized?

A. The Spaniard is named Blanc and he left the city for the Post of Opelousas about six days ago. The plantation was bought in the month of April of this year.

4th Q. Was the letter that Samuel Wells drew against him paid extra-judicially, or by order of any Judge, in accordance with any law suits that the said Spaniard brought against him, before what escribano did it run? Has he any vouchers in his possession?

A. It was paid at the first instance of the bearer without any legal proceedings. The letter is in his possession with the receipt.

5th. Q. At what price has he sold the tobacco and the name of the party who has bought it.

A. It was sold at 9 French sols and that it was sold to the King of Spain.

6th. Q. When the Spaniard was paid the money had he already sold the tobacco?

A. The tobacco was sold but he had not received payment for it.

7th. Q. If in virtue of the accounts that he says he has with Samuel Wells and the payment he has made for him, has he not drawn up any balance of accounts to see if by the results he owes Wells, or Wells owes him?

A. He can not know if Wells owes him or not considering that he has his attorney for business affairs in Natchez against whom the said Wells has availed himself and although the accounts have been verified that they have with each other, nevertheless he does not know which one owes the other.

8th. Q. In what month and year did the Spaniard pay the sum against the defendant witness that Samuel Wells drew? Were there any persons, or witnesses present at the time of payment? Let him declare who these persons were? By what names and surnames called?

A. It was about fourteen days ago that he paid 229 pesos more or less in the presence of Juan Blommart.

This series of answers is signed by William Hiorn. J. Blommart, interpreter, and Leonardo Mazange, escribano.

Barbour in reply claims that Hiorn has not answered the second question of the interrogatorio catagorically as to the intrinsic value of the articles and as to the quantity that he has sold, that is of the twenty hogsheads of tobacco and the barrels of meat that he has acknowledged he received and sold. This information is necessary so that a correct judgment may be formed of what liquid balance belongs to Wells after deducting 229 pesos that he declares he has paid the Spaniard. Hiorn makes another statement in which he sets forth in answer to question No. 2 that the cost of the tobacco in transporting and tonnage is impossible to say, but that tobacco was all sold to His Majesty at the rate of nine sols and that he only sold one barrel of salt meat at 15 pesos because it was half rotten and that the rest of the fifteen barrels are in his possession for this reason, and that the twenty hogsheads of tobacco had three spoiled. The 17 sold brought 1500 livres, a little more or less, and that he has accounts pending with Samuel Wells.

The plaintiff petitions for a writ of execution as Hiorn has arrived in the city. Alcalde de Verges, on Postigo's advice orders the writ issued against William Hiorn as responsible for Samuel Wells in favor of Philip Barbour for 589 pesos 5 reales that Wells owes the latter, its one tenth and costs. A marginal note says that the writ which was ordered has been issued. There is also a copy of the writ.

Barbour enters another petition stating that Guern or Hiorn is about to leave this day for London without paying the debt as he was ordered to do by the Court. He prays for his arrest and confinement in the public prison until the executory process is carried out. Petition granted. There is another petition from Barbour to the effect that there are funds in the possession of Leonardo Mazange escribano of the government belonging to Guillermo Hiorn as a result of a sale before said notary. He asks that this be retained and that he be paid from it. The Court agrees and he signs a receipt that he has received from Guillermo Hiorn, as signer for Samuel Wells, 589 pesos 5 reales. Barbour then asks to tax costs, which is done at 28 pesos 4 reales.

April 22.
Santiago Sonde vs.
Juan Durand.
No. 3578. 4 pp.
Court of Alcalde
Pedro Piernas.
Assessor, Postigo.
Escribano, Mazange.

To compel the defendant to verify his signature on a note and to be condemned to pay the same.

Plaintiff presents defendant's original note for 56 pesos and asks that defendant be ordered to verify his signature. Piernas on Postigo's advice orders the verification. The defendant Juan Durand acknowledges the signature and debt. Thereupon plaintiff Jacques ("Santiago") Sonde prays for a writ of execution. Piernas on Postigo's advice orders the debt paid with a warning that if this is not done executory proceedings will follow.

April 22.
Oliver Polloc (Pollock) vs. Mr. Shaspare (Shakespeare)
For the delivery of a negro belonging to the American Congress.
No. 3574. 16 pp.
Court of Acting Governor Piedro Piernas.
Assessor, Postigo.
Escribano, Mazange.

This record is a contribution to the history of the famous raid of the American Captain Willing on the Mississippi River during the Revolution. The plaintiff in the suit is also a famous man of that era. Oliver Pollock's story has never been fully told, but enough has been printed to show that he was the Agent of the American Colonies and that he was working in harmony with Gov. Galvez during the early years of the American Revolution. History also tells that this favorite of Governor O'Reilly ruined himself financially assisting the armies of the Confederation and that he was never fully reimbursed by the Congress.

The caption or title of this case is a copy of the original contemporaneous entry of the Spanish escribano and the pleadings and evidence justify the statement that the lawsuit was for the benefit of "the American Congress." The record is the first we have found showing the relations of the Spanish authorities at New Orleans with the agents of the American Congress.

The suit is therefore an echo of the famous raid of the American Captain Willing on the homes of the British inhabitants on the Mississippi River in West Florida.

It appears that Willing brought to New Orleans the slaves he captured in this raid. In this he was evidently acting in concert with Oliver Pollock, who was the agent of Congress, who, however, sues in his own name to recover one of these slaves who had fallen into possession of Shakespeare, his previous owner.

In his petition Oliver Pollock sets forth that on November 20 of last year petitioner directed an official letter to Governor Galvez asking that there be restored to him a negro named Guy of the English Nation as he was lawfully captured by Captain Santiago (James) Wligen (Willing) in a canoe with Mr. Liaston (Easton) in a part of the river above Natchez, who brought him to New Orleans and declared him to be his lawful prisoner. That the slave was maliciously taken from him by Mr. Shakespeare who had owned him before. That on December 22 last year Governor Galvez in answering petitioner said; in order to be able to obtain possession and assert ownership it would be necessary to produce proof that Shakespeare had taken the negro. That in order to comply with the order of the Governor, petitioner asks that testimony be taken from the witnesses he will present and further that Juan (John) David (Davies) in whose possession the negro is now held be ordered to deliver him to petitioner. He has been told that the slave is really in prison and he asks that he be held there until this suit is finished. Acting Governor Piernas on Postigo's advice orders that the witnesses be heard. Two witnesses were examined; John Henderson and Thomas Beard—their names indicate they were Americans, and perhaps, members of Willing's force.

The first witness, Juan (John) Henderson, declares under oath, taken on the Holy Evangelists because he is a Protestant, that all

The testimony leaves no doubt that Pollock claims the slave by no other title than "fair capture" in war and the judgment of Acting Governor Piernas follows this view. The defendant Davis in a petition filed after the judgment against him affirms boldly that the claim of "a fair capture" of the slave by Capt. Willing is a recognition of this state of affairs and as the Acting Governor affirms that fact, it is evident the slave is claimed as the property of "the American Congress."

he knows of the affair is that he saw the English negro, Guy, with the rest of the negroes that Captain Willing captured and brought to this Capital, that he heard it said that the slave was captured by the Captain in a canoe with Mr. Easton, he did not know where and that he had also heard it said by many persons that the negro was a lawful capture and that he had been told that Mr. Shakespeare seized him on the levee of this city and took him on board of an English frigate on the other side of the river.

The second witness, Thomas Beard, speaking through an interpreter, Pedro Petit, says that it is true that he has seen the negro Guy, that he was captured by Captain willing a little above Natchez in a canoe with Mr. Easton with the rest of the negroes and that they were brought to the city by him. It appears to him to have been a fair capture. At that time there was an English frigate at the point and Captain Willing told the witness that he thought Mr. Shakespeare had put the slave on board the frigate and that in fact the negro had told the witness so.

Pollock asks that the records of the case be delivered to him, and he further asks that the slave's declaration be taken. Governor Piernas rules accordingly and Guy under oath taken on the Holy Evangelists because he is a Protestant declares that he was captured by Captain Santiago Willing in a canoe with Mr. Liaston (Easton) a little above Natchez and brought to the Capital. He had always heard it said that it was a fair capture. Mr. Shakespeare asked him one day if he wished to go with him to Pensacola and that the witness had answered yes and that in fact he embarked on an English frigate that was anchored at the Point as they say of this river and that he was taken to Pensacola.

Oliver Pollock now asks that Juan Davies return the negro to him and that he be condemned to pay costs. On July 20, 1780, Juan Davies answers, saying; that he is only empowered to represent Shakespeare and is not empowered to act in this case. Piernas on Postigo's advice rules; that Davies must restore Guy who is held a prisoner; he is a fair capture and has been maliciously seized by Shakespeare who is condemned to pay costs. Oliver Pollock signs a receipt for the negro. Later Pollock asks that Davies be ordered to pay costs for Shakespeare, who is absent in Pensacola, as has already been decreed. This he is ordered to do and costs are taxed at 20 pesos 5 reales. Juan Davies enters a last petition, saying that in the suit that Oliver Pollock prosecutes against him for the return of the negro who belongs, as it is supposed, to the American Congress, because he has been declared a fair capture. He (Davies) was put in charge

of Guy by Mr. Shakespeare and having been condemned to return him to Oliver Pollock, because of the account that he has to give Mr. Shakespeare it is convenient to his right that the present escribano deliver to him a certified copy of the sentence given and pronounced by His Lordship definitely in this cause, which he prays will be delivered to him. Piernas on Postigo's advice rules; As it is prayed. Let the escribano deliver to him a certified copy from the Archives.

May 5.
Mrs. Nicolas vs. Juan Durand.
No. 3553. 4 pp.
Court of Alcalde Piernas.
Assessor, Postigo.
No Escribano named.

To compel defendant to verify his signature on a note and to obtain execution thereon.

Marie Magdalena Daux (supposedly Mrs. Nicolas) presents the defendant's original note for 100 pesos and asks that he verify it. Juan Durand acknowledges his obligation and plaintiff asks for a writ of execution. Piernas on Postigo's advice orders the debt paid within three days, with a warning that executory proceedings will follow.

May 6.
(First date given).
Rosa Bergeron vs. Dominico Langoran to be paid 600 pesos from the estate of the deceased Dominico Inardin or Ynardin.
No. 3541. 13 pp.
Court of Alcalde Piernas.
Assessor, Postigo.
Escribano, Mazange.

Suit by a legatee under a will for payment of a money legacy left the plaintiff by the testator.

Rosa Bergeron, widow of Lorenzo Vigne, appoints Luis Liotaud her attorney to collect money due her from the estate of Dominico Unardin, through Dominico Langoran, his testamentary executor. It is alleged that the deceased Dominico Unardin owes her a certain sum as he has declared in his will drawn up before the present escribano, under the disposition of which he died and in accordance with which in order to formulate her demand she asks that the escribano give her a certified copy of the will to be placed at the end of these proceedings to be used to force her rights. Petition granted.

In the certified copy of the will dated December 23, 1779, the testator, Dominico Unarden, declares that he is a resident of New Orleans and a native of Bernas, Republic of Geneva, legitimate son of Lorenzo Unardin and Ana Maria, whose surname he does not remember. He is unmarried and his parents are dead. He states that his estate consists of the debts for and against it. Among his legacies he gives and bequeathes to Rosa Lavigna (Bergeron) his slave, Ester, for the good services, Bergeron has rendered him during his illness. That he owes her 500 pesos and that this money must be paid to her with an additional 100

pesos. He names Dominico Langoran as his testamentary executor. His sole and universal heir is his brother, Francisco Unardin.

On the strength of this will the plaintiff asks to be paid the 600 hard pesos due her by the Unardin estate and that the testamentary executor be ordered to turn the money over to her. Piernas on Postigo's advice rules that Dominico Langourand, executor, must pay Rosa Bergeron from Dominico Unardin's estate the 600 pesos that the testator says he owes her, taking her receipt for this amount. A marginal note signed by Escribano Leonardo Mazange states that in execution of this decree, Luis Liotaud took a receipt in favor of Dominico Langoran for 600 pesos.

May 8, 1780.
Daniel Clark vs.
Juan B. Desilet.
No. 3547. 28 pp.
Court of Acting
Governor Piernas.
Assessor, Postigo.
Escribano, Mazange.

To froeclose a mortgage.

Plaintiff attempts to foreclose a mortgage on slaves on the ground the defendant is selling same and that others have run away and still others are sick. He asks also that defendant be ordered to give security on the remainder of the debt not yet due.
Both remedies are denied. Later on, plaintiff renews his demand (part of the debt being now due) and execution is ordered. While the sale is being advertised and before the expiration of the legal delays the parties arrange the matter amicably.

Plaintiff presents a certified copy of a mortgage by which Carlota Delhommer and her husband Juan Baptiste Desilet pledge their present and future estates as security for a debt of 5300 pesos, incurred in the purchase of 15 slaves. Also a certified copy of the act of sale by which Daniel Clark sells to Juan Baptiste Desilet, signed Dezillest, the slaves named; Thomas aged 24, Henrietta 21, Cato 26, Simon 29, Samme 19, Virgile 30, Othillo (Othello) 25, Ossa 26, Manuel 40, Dick 27, Mingo 22, Nancy 29, Agida 40, Will 33, and Tom 29.

On the first of these two exhibits Daniel Clark petitions to be paid 3650 pesos of a total debt of 5300 that is past due, without any part of it having been paid, or any hope of collection, as the defendant has availed himself of the respite that Governor Galvez has given the people who have experienced the storm, in the month of August of last year. He alleges that Desillest has not felt the effects of the hurricane as he has no plantation, or real property to suffer and has already sold one of the slaves mortgaged to the plaintiff, three have died, one has run away and two others are sick. All that have been sold will be lost little by little. He asks that a writ of execution be issued in his favor against all the property belonging to Desillest and his wife for 3650 pesos its one tenth and costs and that he also be condemned to give full bond for 1650 pesos that will remain due until the end of December of this year.

Piernas on Postigo's advice denies the petition for execution and for a new bond because the mortgage on the fifteen negroes and the rest of the estate protects the debt that Mr. and Mrs. Desillest owe.

Daniel Clark does nothing further until October 8 when he petitions for a writ of execution against the defendant for 1650 pesos which he has been unable to collect. Piernas on Postigo's advice orders the debt paid within 8 days with a warning that executory proceedings will follow. This order is ignored by the defendant and Clark petitions for a writ of citation, which is ordered issued and is served by Francisco Langlois. He next asks for a writ of execution which is ordered, is issued and carried into effect by Nicolas Fromentin, deputy sheriff, who seizes the following negroes, Henrietta, Chieto, Mengo, Bambara, Samb, Hasa and Ofler (Othello?). All are placed with Joseph Ducros, General Receiver, who receipts for them.

Plaintiff thereupon asks for a sale, at public auction, of the slaves that have been seized and that the calls be given as the law requires. Petition granted and the slaves are cried January 9, 13, and 17, 1781. When this formality is completed, Clark asks for the sale which is ordered for the 28th of the current month, but before it is held the litigants petition to compromise the suit. Clark declares himself as satisfied and asks to have the case cancelled and discontinued and Juan B. Desillet says he will promptly pay the debt. This petition is signed by *Oliver Pollock, attorney for Daniel Clark,* Jane Clark and Juan B. Desillest.

Piernas rules: Let the suit be broken, annulled and cancelled, in virtue of which let the General Receiver return Desillest the slaves that were seized and let the costs of the case be taxed by Andres Armesto after he has accepted and taken oath. Armesto qualifies and Juan B. Desillest signs a receipt for the slaves that were held by Joseph Ducros, General Receiver. Costs are taxed at 115 pesos.

May 22.

Joseph Leconte vs. Francisco Moler.

No. 3564. 3 pp.

Assessor, Postigo.

No Escribano named.

The suit has for its object the return of a receipt given by plaintiff to defendant, the action being based on the failure of the purpose for which it was issued. This record has an additional interest in its reference to the condition of things at Vincennes "State of Virginia" in 1778.

Plaintiff alleges that Francisco Moler owes him 307 pesos, in payment of which he ceded to him a note of Joseph Perodo for 255 pesos ½ real, obligating himself to pay through Mr. Vige 980 pounds of skins. Plaintiff agreed to this arrangement thinking it would be satisfactory, but neither Perodo nor Moler have paid him either the money or the skins.

Considering that when he accepted the obligation he gave a receipt to Moler for 307 pesos, the amount that the defendant owed him and that this receipt is now said to be in Leonardo Mazange's

possession, he asks that it be returned to him and that he be permitted to repeat his demands against Moler for the amount due him.

Alcalde de Verges, on Assessor Postigo's advice rules; Let the receipt that Joseph Le Conte petitions for, that has passed into Leonardo Mazange's possession, be returned to him, to whom this decree will serve as security.

There is in the record an unsigned statement to the effect that in virtue of the foregoing decree, the escribano delivered to Joseph Le Conte the paper mentioned, in which paper it appears that Le Conte has not been able to collect from Joseph Peraudo 1478 livres in french money, besides 980 pounds of roebuck skins; that Le Conte promise that after having drawn 1500 livres on the above that he will hold Francisco Moler, or his order, to account for the rest, and that in case it is not paid by Peraudo, he will not have recourse against Moler, reserving all rights against Peraudo's note without being obligated for the costs that may be occasioned to collect the same and to take into account only what has been paid of the 1500 livres and costs besides the 35 livres that were drawn on July 23, 1773, which he acknowledges to have received; that he draw up the formal receipt which he did not sign as he did not know how to write.

Another document in French reads: "Before Gabriel Le Grand Esq., Judge and Notary of St. Vincenne for the State of Virginia etc., was present, Joseph Perodot, who declared to us and presented a receipt from Francois Milerre in these terms; I certify and acknowledge after having seen the loss that Joseph Perodot as well as the Americans have sustained, all taken into consideration and approved of by the whole world, I give him by this present, acquittance of 998 livres in skins that he owes me by his note payable to the order of Mr. Le Conte. Dated New Orleans March 20, 1778, and signed Francois Mollerre. That if he has not affixed his signature to Mr. Perodot's note given in favor of Mr. Mollere in the account they have between them with Mr. LeConte, which I certify I have sent to Mr. LeConte by Mr. Benoit, that I will go down to the city to pay Mr. Le Conte.

"Given at St. Vincenne, December 15, 1778, to be of value for what is reasonable and signed by Mr. Perodot and us the Judge.

(Signed) Joseph Porrodot.

(Signed) Le Grand, Judge and Notary."

June 23.
Despatch of David Guillermo (Williams).
No. 3559. 4 pp.
Court of Alcalde
Pedro Piernas.
Assessor, Postigo.
Escribano, Mazange.

David Guillermo (Williams) an Englishman, resident for many years of Baton Rouge, says that in 1774 he sold a plantation belonging to himself to Samuel Flower and Estevan Watts to be paid for within ten years and they mortgaged to him the plantation

This is an application by David Williams for an injunction to prevent Samuel Flower and Estevan Watts of Baton Rouge from selling a slave. They are, however, not made parties to the suit. The writ is issued in this ex parte application and to the extent set forth below.

The petitioner alleges that he has a mortgage upon certain slaves and that the debtors have sent one of them to New Orleans to be sold. Petitioner prays the court to issue an order to the notaries of New Orleans and to the Commanders at Baton Rouge and Pointe Coupee (where the debtors reside) directing them to pass no acts of sale of the negro slave mortgaged to secure the debt due the petitioner. This order is issued predicated on the petitioner furnishing bond and security to protect the owners of the slaves against any prejudice resulting from the injunction.

and thirty slaves. This written document of the transaction was done in Baton Rouge and is registered in the public office in Pensacola, a copy of which he preserves among his papers in Baton Rouge that he will present.

He further alleges that it has now come to his notice that Messrs Flower and Watts have sent to the city one of the negroes mortgaged to him to be sold, who will be found in Mr. Davis' house. He prays for an order preventing any Notary Public of the city from drawing up an act of sale or alienation of this slave and also for a despatch to the Commanders of Pointe Coupee and Baton Rouge to the same effect and he agrees to give bond promptly in case it is necessary.

Piernas on Postigo's advice rules that the party must give bond, a certified copy of which must be attached to this record. A second ruling reads: Considering the bond here attached, let the escribano be notified not to draw up any written acts of alienation for Samuel Flower and Estevan Watts. Let a corresponding despatch be issued to the Commanders of Baton Rouge and Pointe Coupee with an enclosure of this petition and its decree. Fees 8 reales paid. Signed Piernas and Postigo.

The record has a certified copy of the bond dated June 22, 1780, signed by David Williams and Santiago Mather, providing against any prejudice to result to Samuel Flower and Estevan Watts because of the interdiction that David Williams has procured. Costs taxed at 22 reales.

(To be Continued)

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of the Louisiana Historical Quarterly, published at New Orleans, Louisiana, for April 1st, 1931.

State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who having been duly sworn acording to law, deposes and says that he is the Editor and Archivist of the Louisiana Historical Quarterly and that the following is to the best of his knowledge and belief a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 411, Postal Laws and Regulations, to-wit:

1. That the names and addresses of the publishers, and the editor, are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.; Editor, Henry P. Dart 1822 Canal Bank Building, New Orleans; Managing Editor, None; Business Manager, None.

2. That the owner is The Louisiana Historical Society, The Cabildo, New Orleans, La.

3. There are no stockholders, but the officers are: Edw. A. Parsons, Pres.; Andre Lafargue, 1st Vice-Pres.; James Wilkinson, 2nd vice-Pres.; Frank H. Waddill, 3rd Vice-Pres.; J. B. Donnes, Treas.; Henry P. Dart, Archivist and Editor; R. W. Colomb, Recording Secy.; Henry M. Gill, Corresponding Secy.

(Signed) HENRY P. DART, Editor.

Sworn to and subscribed before me this 9th day of April, 1931.

(Signed) LEO L. DUBOURG, Notary Public.

(My commission expires at death.)